

1 **NOTICE OF COURT CERTIFICATION OF COLLECTIVE ACTION IN**
2 **FEDERAL UNPAID WAGES LAWSUIT AGAINST GHILOTTI BROS., INC.**

3 *Jose Ramirez, Luis Gomez and Marck Mena Ortega. v. Ghilotti Bros., Inc. et al.*
4 United States District Court for the Northern District of California

5 TO: INDIVIDUALS EMPLOYED BY GHILOTTI BROS., INC. FROM JUNE 2009
6 TO THE PRESENT

7 **I. INTRODUCTION**

8 You have received this Notice because Ghilotti Bros. Inc.'s records indicate that you may
9 be eligible to join a collective action lawsuit under federal law involving unpaid wages,
10 entitled *Ramirez v. Ghilotti Bros., Inc.*, Case No. C-12-4590-CRB (the "Lawsuit"). The
11 Lawsuit is filed in the United States District Court for the Northern District of California.

12 The Lawsuit alleges in part that Ghilotti Bros. Inc. ("GBI") has unlawfully failed to pay
13 employees for all of the hours they work, including time spent 1) loading company trucks
14 and/or driving to job sites prior to the start of scheduled shifts, and/or 2) driving back from
15 job sites and/or unloading the trucks after the end of scheduled shifts. GBI contests all
16 claims that have been asserted and denies any wrongdoing or liability. The Court certified
17 this portion of the Lawsuit to proceed as a "collective action" on behalf of all such
18 employees who worked for GBI at any time from June 2009 to the present.

19 **This Notice and its contents have been authorized by the United States District Court**
20 **for the Northern District of California. However, the Court has not yet expressed**
21 **any opinion about the merits of the claims asserted or the defenses raised, and you**
22 **should not interpret the sending of this Notice as any indication of the Court's**
23 **opinion of the ultimate outcome of this Lawsuit.**

24 **II. YOUR RIGHT TO PARTICIPATE IN THE LAWSUIT**

25 If you fit the definition above, you may join the Lawsuit by completing and mailing the
26 attached "Consent to Join" form to Plaintiffs' counsel at either of the following addresses:

27 Gay Crosthwait Grunfeld, Esq.
28 Kathryn G. Mantoan, Esq.
29 Blake Thompson, Esq.
30 Rosen Bien Galvan & Grunfeld LLP
31 315 Montgomery Street, 10th Floor
32 San Francisco, CA 94104-1823

33 Telephone: (415) 433-6830
34 Facsimile: (415) 433-7104
35 ggrunfeld@rbgg.com
36 kmantoan@rbgg.com
37 bthompson@rbgg.com

38 Elisa Stewart & Wendy Musell, Esq.
39 Stewart & Musell, LLP
40 351 California Street, Suite 700
41 San Francisco, CA 94104

42 Telephone: (415) 593-0083
43 Facsimile: (415) 520-0920
44 >wmusell@stewartandmusell.com
45 estewart@stewartandmusell.com

46 **TO JOIN THIS LAWSUIT, YOU MUST SIGN, DATE AND MAIL THE**
47 **"CONSENT TO JOIN" FORM TO PLAINTIFFS' COUNSEL. IF THE FORM IS**
48 **NOT TURNED IN BY AUGUST 8, 2013, YOU WILL NOT BE A PART OF THIS**
49 **LAWSUIT.**

50 Without sending the "Consent to Join" form, you are not automatically a party to this
51 Lawsuit.

1 **CONSENT TO JOIN FORM**

2 Consent to sue under the Fair Labor Standards Act

3 **THIS FORM MUST BE TURNED IN BY AUGUST 8, 2013, OR YOU WILL NOT**
4 **BE A PART OF THIS LAWSUIT**

5 I work or worked for Defendant Ghilotti Bros., Inc. in California from
(month/year) _____ to (month/year or present) _____.

6 I was not paid for time spent 1) loading company trucks and/or driving to job sites
7 prior to the start of scheduled shifts, and/or 2) driving back from job sites and/or unloading
the trucks after the end of scheduled shifts.

8 I consent to join the collective action entitled *Ramirez v. Ghilotti Bros., Inc.*, Case
9 No. C-12-4590-CRB, to recover unpaid wages under the federal Fair Labor Standards Act,
29 U.S.C. § 216(b).

10 I choose to be represented in this matter by the named Plaintiffs and counsel
11 (Rosen, Bien, Galvan & Grunfeld LLP, and Stewart & Musell, LLP) in this action.

12 Name: _____

13 Address: _____

14 Number/Street

15 City

State

Zip Code

16 Telephone: (____) _____ Email: _____

17
18 Signature: _____ Dated: _____, 2013

19
20 ***Please return to either of the following addresses:***

21 Gay Crosthwait Grunfeld, Esq.
22 Kathryn G. Mantoan, Esq.
23 Blake Thompson, Esq.
24 Rosen Bien Galvan & Grunfeld LLP
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