

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERTINA BREAUCHY,	:	CLASS ACTION
	:	
Plaintiff,	:	NO. 2015-CV-01366
	:	
v.	:	
	:	Hon. Andrew H. Dowling
ALMA HEALTH, LLC (d/b/a Medstaffers)	:	
	:	
Defendant.	:	
	:	

NOTICE OF CLASS ACTION LAWSUIT

IF YOU RECEIVED THIS NOTICE IN THE MAIL IN AN ENVELOPE ADDRESSED TO YOU, YOU ARE A MEMBER OF THE CLASS COVERED BY THE ABOVE-CAPTIONED CLASS ACTION LAWSUIT.

THE DAUPHIN COUNTY COURT OF COMMON PLEAS HAS AUTHORIZED THIS NOTICE, WHICH DESCRIBES THE LAWSUIT AND INFORMS YOU OF THE STEPS YOU MUST TAKE IF YOU WISH TO EXCLUDE YOURSELF FROM THE LAWSUIT.

PLEASE READ THIS DOCUMENT CAREFULLY.

1. Why did I get this notice?

The Dauphin County Court of Common Pleas (“Court”) presides over this Lawsuit, which was filed in February 2015 by Plaintiff Robertina Breauchy (“Plaintiff”) against Defendant Alma Health, LLC (d/b/a Medstaffers) (“Medstaffers”). The Lawsuit concerns the overtime pay rights of Plaintiff and certain other Medstaffers employees.

In October 2016, the Court entered an Order certifying this Lawsuit as a class action and allowing the Lawsuit to proceed on behalf of the following current and former Medstaffers employees:

All persons who worked for Defendant Alma Health, LLC (d/b/a Medstaffers) and were paid under its “Live-in Rate” system during any workweek since February 18, 2012.

The above individuals are referred to as the “**Class Members.**”

You are receiving this notice because, according to Medstaffers’ payroll records, you are a Class Member covered by the Lawsuit because you were paid under the “Live-in Rate” system during the relevant time period.

As a Class Member, you have a right to obtain information about the Lawsuit and, if you so choose, to

exclude yourself from the Lawsuit.

2. What is the Lawsuit about?

Under Pennsylvania law, employees generally are entitled to overtime premium pay for work in excess of 40 hours during a seven-day workweek. This overtime premium pay must be calculated at 150% of the employee's "regular rate" of pay which is based upon all compensation that an employee receives for work performed during a particular week regardless of whether she is paid on a "day-rate" or "hourly-rate" basis.

In this lawsuit, Plaintiff alleges that Medstaffers failed to pay overtime to "Live-in Rate" employees in the full amount to which those employees were entitled for hours worked over 40 in a week under Pennsylvania law. Medstaffers admits that it may have failed to include bonus payments in the calculation of overtime due to "Live-in Rate" employees, but is working to resolve any such claims through this action. Medstaffers otherwise denies that it violated the law.

3. Have Plaintiff and the Class Members Already Won this Lawsuit?

No. So far, the Court only has decided that the Lawsuit can proceed as a class action on behalf of Plaintiff and the Class Members. The Court has not yet ruled on the underlying merits of Plaintiff's legal claim that he and other Class Members are entitled to unpaid overtime.

4. Who will serve as the Class Members' lawyer?

The Court has designated the law firm of Winebrake & Santillo, LLC to serve as "Class Counsel" and to represent the interests of Plaintiff and the Class Members in this case. The contact information for this firm is: Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025 (Phone: 215-884-2491; Website: www.winebrakelaw.com).

The lawyers at this firm represent your legal interests and are available to answer your questions in strict confidence. If you call, please identify yourself as a "Class Member" in the "Medstaffers Overtime Lawsuit" and ask to speak with one of the attorneys working on the Lawsuit.

5. How can I participate in the Lawsuit?

If you received this notice in an envelope addressed to you, then you are a Class Member. If you have any questions about your status as a Class Member, please call the law firm identified in Section 4.

As a Class Member, you do not need to do anything to participate in the Lawsuit.

If you do nothing, you will remain a Class Member and your right to obtain unpaid overtime wages from Medstaffers will be determined by the outcome of the Lawsuit (whether favorable or unfavorable) or by any settlement of the Lawsuit.

6. How do I exclude myself from the Lawsuit?

You are not required to remain a Class Member. If you do not want to participate in the Lawsuit, you must prepare a letter simply stating that you want to be “excluded from the *Breauchy v. Alma Health, LLC* Class Action Lawsuit.” Please send this letter to:

Medstaffers Overtime Lawsuit
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025

Your letter must include your name, address, and phone number. Be sure to write clearly, and be sure to sign the letter.

In order to be valid, your exclusion letter must be postmarked on or before March 14, 2017.

Class Counsel will ensure that all exclusion letters are properly filed with the Court.

If you exclude yourself from the Lawsuit, you will not be bound by the outcome of the Lawsuit (whether favorable or unfavorable) or any settlement of the Lawsuit.

If you exclude yourself from the Lawsuit, you will be free to retain your own lawyer and, if you choose, bring your own individual lawsuit against Medstaffers.

7. How do the lawyers representing Plaintiff and the Class Members get paid?

You are *not* personally responsible for paying any fees to the lawyers representing Plaintiff and the Class Members.

If Plaintiff and the Class Members win or settle the Lawsuit, the lawyers identified in Section 4 will ask the Court to either require Medstaffers to pay their legal fees/expenses or allow them to recover their legal fees/expenses as a percentage of the Class Members’ total recovery. Any payments to the lawyers must be approved by the Court as fair and reasonable.

If Plaintiff and the Class Members lose the Lawsuit, the lawyers will not be paid any fees or expenses.

8. How do I obtain more information?

You can obtain more information by calling or writing the law firm identified in Section 4.

Date: February 7, 2017

Approved as to Form: Hon. Andrew H. Dowling
Dauphin County Court of Common Pleas