

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO: 5:17-cv-628

Pedro Rodriguez Martinez, Mateo)
Hernandez Lopez and Elmer Menjivar)
Argeta, on behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
)
vs.)
)
Alpha Technologies Services, Inc., East)
Carolina Commercial Services, LLC, Solar)
Guys, Inc., César Mendoza, and Jorge)
Ramos,)
)
Defendants.)
)

NOTICE

TO: Employees, Contract workers, or Contractors of Cesar Mendoza and East Carolina Commercial Services who worked at the Solar Farm on Roslin Farm Road in Hope Mills, NC

RE: A lawsuit against Alpha Technologies Services, Inc., East Carolina Commercial Services, LLC, Solar Guys, Inc., Cesar Mendoza, and Jorge Ramos to recover unpaid wages

DATE: November 27, 2018

1. Purpose of the Notice

The purpose of this Notice is to tell you about a lawsuit that you may be eligible to join. Plaintiffs Pedro Rodriguez Martinez, Mateo Hernandez Lopez and Elmer Menjivar Argeta filed this lawsuit alleging that: (1) they were jointly employed by East Carolina Commercial Services and the other Defendants, (2) that they worked overtime hours for which they were not paid time and a half; and (3) that they were required to purchase their own safety equipment, were not reimbursed for the purchases, and that the cost of the safety equipment when compared to their first week's wages resulted in them being paid less than the

minimum wage of \$7.25 per hour. You may be a member of one or more of the proposed Plaintiff classes, which means you may be able to participate in the lawsuit and seek to recover wages that you believe are owed to you. This notice will tell you how your rights may be affected by this suit, and how you can participate in this suit if you want to do so.

2. Description of the Lawsuit

Pedro Rodriguez Martinez, Mateo Hernandez Lopez and Elmer Menjivar Argeta have filed a lawsuit in the United States District Court for the Eastern District of North Carolina against Alpha Technologies Services, Inc., East Carolina Commercial Services, LLC, Solar Guys, Inc., Cesar Mendoza, and Jorge Ramos regarding their work during the construction of the Solar Farm on Roslin Farm Road in Hope Mills, North Carolina. The name and case number of the lawsuit is Rodriguez Martinez, *et al.* v. Alpha Technologies Services, *et al.*, 5:17-CV-628. The workers bringing the lawsuit are called the Plaintiffs. Alpha Technologies Services, Inc., East Carolina Commercial Services, LLC, Solar Guys, Inc., Cesar Mendoza, and Jorge Ramos are called the Defendants.

The lawsuit asks for payment of minimum wages and overtime wages that Plaintiffs claim they should have been paid by Defendants. Specifically, the lawsuit claims that:

- Workers were improperly classified as independent contractors instead of employees;
- Workers regularly worked more than forty hours in a workweek but were not paid the proper overtime rate (time and a half) for those hours over 40 hours in a workweek;
- Workers were required to purchase their own hard hats, vests, safety glasses, gloves and/or boots, and were not reimbursed for those purchases or paid minimum wage for their first week of work.

The lawyers for the Plaintiffs who brought this case are:

Clermont Ripley and Carol Brooke
North Carolina Justice Center
P.O. Box 28068
Raleigh, NC 27611
919-856-2162

Dhamian Blue
BLUE LLP
250 Fayetteville St, Ste 300
Raleigh, NC 27601
919-833-1931

3. Your Right to Participate in this Lawsuit

This notice tells you about your rights under the federal minimum wage and overtime law in the United States, which is called the Fair Labor Standards Act. It is possible that you have a right to join this lawsuit if you worked for Cesar Mendoza and East Carolina Commercial Services, or Cesar Mendoza and East Carolina Commercial Services and one of the other Defendants, in the construction of the Solar Farm located on Roslin Farm Road in Hope Mills, NC. You may be eligible to participate in this lawsuit if your experience was similar to that of the named Plaintiffs and you were “similarly situated” to the Plaintiffs. Your options are the following:

1) Do Nothing – If you do not act, you may lose some of your rights to seek payment because there are deadlines to file claims for unpaid wages. If you do nothing, you do not lose your right to bring a separate lawsuit against the Defendants. However, if money is awarded to the Plaintiffs in this case, you will not participate in the award if you do not act.

2) Ask to join this Lawsuit – By joining this lawsuit, you gain the possibility of getting money or benefits that may result from a trial or settlement, but you give up your right to bring a separate lawsuit of your own against the Defendants for the same legal claims brought in this lawsuit.

4. How to Participate in this Lawsuit

If you want to join this lawsuit and seek money you might be owed you must read (or have read to you), sign and return the Consent to Sue form included with this notice as soon as possible because the longer you wait to file, the less money you will be able to recover in the lawsuit in the event of a settlement or favorable trial verdict. **The Consent to Sue forms must be mailed or faxed to the North Carolina Justice Center by May 27, 2019.** The Consent to Sue form should be faxed to Clermont Ripley at 919- 856-2175 or mailed to:

Clermont Ripley
P.O. Box 28068
Raleigh, NC 27611

If you have questions or concerns about how to participate in this case, you may call the Plaintiffs' attorneys: 919-856-2162.

You have the right to have your own attorney review this Notice, advise you, and/or speak on your behalf in court, although the attorneys' fees and costs of your own attorney are your responsibility.

5. Retaliation is Illegal

It is a violation of United States law for any of the Defendants, and/or their agents to threaten, harm, fire, refuse to hire, or in any manner discriminate against you for taking part in this case. You have the right to participate in this lawsuit regardless of your immigration status. The Defendants may not retaliate against you for your participation in this lawsuit, including by threatening to report or reporting you to immigration enforcement. If you believe that you have been threatened, punished, discriminated against, or retaliated against for discussing or choosing to join in this lawsuit, you can call the North Carolina Justice Center at 919-856-2162 or another attorney.

6. Effect of Joining this Lawsuit

If you join this lawsuit, you will be included in the decision made by the judge, whether that decision is favorable or unfavorable. As a participant in the lawsuit, you may have to answer

questions under oath, provide documents, and/or testify. If plaintiffs are successful, you may also share in any money received in the lawsuit (either through a decision by the Court or through a settlement). By joining this lawsuit, you designate the class representatives to make decisions on your behalf concerning this case. The decisions and agreements made in this lawsuit will affect your claims.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE HONORABLE LOUISE FLANAGAN, JUDGE FOR THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA. THERE ARE NO GUARANTEES THAT MONEY WILL BE RECOVERED IN THIS CASE. THE COURT HAS NOT YET DECIDED WHETHER THE CLAIMS MADE IN THE LAWSUIT ARE VALID.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Pedro Rodriguez Martinez, Mateo)
Hernandez Lopez and Elmer Menjivar)
Argeta, on behalf of themselves and)
all others similarly situated,)
)
Plaintiffs,)
)
vs.)
)
Alpha Technologies Services, Inc.,)
East Carolina Commercial Services, LLC,)
Solar Guys, Inc., César Mendoza, and)
Jorge Ramos,)
)
Defendants.)
)
_____)

CASE NO: 5:17-cv-628

CONSENT TO JOIN FLSA UNPAID WAGES LAWSUIT

I CONSENT to join the above-captioned lawsuit, pursuant to 29 U.S.C. § 216(b) of the Fair Labor Standards Act (“FLSA”), as to my claims for unpaid minimum wage and/or overtime wages under the FLSA against Defendants. By filing this consent, I hereby designate Pedro Rodriguez Martinez, Mateo Hernandez Lopez and Elmer Menjivar Argeta (“Named Plaintiffs”), and/or any individuals who are later designated as representatives in this FLSA action, as my agents to make decisions on my behalf concerning this litigation, including the method and manner of conducting this litigation, entering into settlement agreements, entering into agreements with the Named Plaintiffs’ attorneys concerning attorneys’ fees and costs, and all other matters concerning this lawsuit.

I hereby authorize the attorneys of the North Carolina Justice Center and Blue LLP, as well as any other attorneys they may associate with, to represent me for all purposes in this litigation. I understand that I will not be charged for my attorneys’ services.

I acknowledge that this consent is intended to be filed to recover minimum wages and overtime wages against Defendants. I understand that I will be bound by any judgment of the Court, whether favorable or unfavorable, and that I will be bound by and share in any settlement that may be negotiated on behalf of Plaintiffs.

Printed Name

Date

Signature

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

This information will not be made part of any public record and is necessary for your attorney's files for litigation and possible settlement purposes.

Name: _____

Any other Name(s) used or known by:

Date of Birth: _____

Street Address: _____

Mailing Address: _____

City, State & Zip Code: _____

Daytime Telephone: _____

Evening Telephone: _____

Cellular Telephone: _____

E-Mail Address: _____

Return these forms to:

Clermont Ripley
North Carolina Justice Center
224 S. Dawson Street Raleigh,
NC 27601
Phone: 919-856-2162
Fax: 919-856-2175
Email: Clermont@ncjustice.org