

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Notice of overtime pay and minimum wage lawsuit against All My Sons Business Development, LLC, All My Sons Moving & Storage of Tucson LLC, and All My Sons Moving & Storage of Phoenix LLC on behalf of all Helpers (“All My Sons”)

A court authorized this Notice. This is not a solicitation from a lawyer.

TO: All current and former Helpers who worked at All My Sons’ Tucson, Arizona location from July 2, 2017 through March 29, 2022.

DATE: February 14, 2023

RE: Fair Labor Standards Act (“FLSA”) lawsuit against All My Sons seeking compensation for unpaid minimum wage and overtime for hours worked by Helpers.

Jose A. Vega v. All My Sons Business Development, LLC; All My Sons Moving & Storage of Tucson LLC; and All My Sons Moving & Storage of Phoenix LLC, Case No. 4:20-cv-00284-RCC, pending in the United States District Court for the District of Arizona.

1. This Notice describes a lawsuit that you are allowed to join.

The purpose of this Notice is to inform you of the existence of a collective action lawsuit against All My Sons. The Court has determined that you may be similarly situated to Jose A. Vega, the Named Plaintiff who brought this case. Therefore, the Court has ordered that this Notice be sent to you, to explain what the lawsuit is about, so that you can decide whether to opt in (join the lawsuit as an FLSA class member).

Please note that the Court has not ruled on the merits of the lawsuit. The Court has only ruled that you are entitled to be notified of the existence of the lawsuit so that you can determine (a) how to protect your rights and (b) whether you wish to join the lawsuit.

2. The lawsuit seeks to recover overtime pay and minimum wage for Helpers.

Plaintiff Jose A. Vega (“Plaintiff”) brought this action under the Fair Labor Standards Act (“FLSA”) on behalf of himself and all other past and current Helpers who worked at All My Sons’ Tucson, Arizona location from July 2, 2017 through March 29, 2022.

Plaintiff contends that he and other Helpers are owed unpaid minimum wage and overtime pay under the FLSA. Specifically, Plaintiff alleges that All My Sons has violated the FLSA by requiring Helpers to routinely perform certain activities off-the-clock without pay, including work at the Dispatch Center to prepare for their day of moving, travel time from the Dispatch Center to their first customer site each day or back to the Dispatch Center from the final customer location, travel time between customer sites, and work performed at customer sites when they are not clocked in. Plaintiff alleges that he and all employees similarly situated are entitled to recover unpaid minimum wage and overtime pay (included overtime calculated at the proper rate inclusive of any bonuses that should be factored into the regular rate), liquidated damages (equal to the unpaid overtime pay and minimum wage), pre- and post-judgment interest, attorneys’ fees, and costs associated with bringing this lawsuit. This lawsuit is currently in its early stages.

All My Sons contests all claims that have been asserted and denies any wrongdoing or liability, contending, among other things, that Helpers are exempt from the FLSA’s overtime pay requirement as a result of the Motor Carrier exemption and that no wages are due under the FLSA.

3. How you can exercise your right to join this lawsuit?

If you worked at All My Sons’ Tucson, Arizona location as a Helper anytime from July 2, 2017 through March 29, 2022, you may choose to join this suit (that is, you may “opt in”). To opt in, you must submit a “Consent to Opt-In to Collective Action” form. The Consent to Opt-In to Collective Action form is provided with this Notice. You may join the lawsuit by completing and mailing, emailing, or faxing the enclosed Consent to Opt-In to Collective Action to Plaintiff’s counsel. It can be returned by mail the following address:

Ty D. Frankel, Esq.
YEN PILCH ROBAINA & KRESIN PLC
6017 N. 15th Street
Phoenix, Arizona 85014
Telephone: (602) 682-6450

You may also fax the form to (602) 682-6455 to the attention of Ty D. Frankel or email it to TDF@yprklaw.com. The form must be sent to the Plaintiff's counsel in sufficient time to have Plaintiff's counsel file it with the federal court on or before **May 15, 2023**. If you fail to return the Consent to Opt-In to Collective Action form to Plaintiff's counsel in time for it to be filed with the federal court on or before the above deadline, you will not be able to participate in this lawsuit. You are not required to participate.

4. The consequences of joining this lawsuit.

If you return a Consent to Opt-In form to be filed with the Court, you will be bound by the judgment (the final result of the lawsuit), whether favorable or unfavorable (that is, whether Plaintiff wins the case against All My Sons or not), or any settlement of this action. While the suit is proceeding, you may be required to provide information, appear for a deposition, and/or testify in court. Failure to participate in discovery could result in sanctions against you including dismissal of your claims.

Plaintiff's attorneys will not charge you directly for their work in this case. If there is no recovery (i.e., if the Plaintiff recovers no money from All My Sons), you will not have to pay the attorneys for any of their work. If there is a recovery, the Plaintiff's counsel is entitled to receive a part of any settlement obtained or money judgment entered in favor of all the members of the collective action. Plaintiff's counsel is also entitled to fees awarded by the Court. Plaintiff's counsel's fees may be subtracted from the recovery obtained from All My Sons, or they may be paid separately by All My Sons, or there may be a combination of the two.

If you join this lawsuit, you are choosing to be represented by Plaintiff's counsel and authorizing the Named Plaintiff who brought this case to act as your representative and make decisions and agreements on your behalf concerning the lawsuit. If you sign and return the Consent to Opt-In to Lawsuit form attached to this Notice, you are agreeing to designate the Named Plaintiff in the collective action as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiff's counsel concerning attorneys' fees and costs, the entering into a settlement agreement or other resolution of this case, and all other matters pertaining to this lawsuit. These decisions and agreements will then be binding on you.

5. The consequences of not joining this lawsuit.

If you choose not to join this lawsuit, you will not be affected by any judgment in this lawsuit on this FLSA claim, whether favorable or unfavorable. If you choose not to join in this lawsuit, you may file your own lawsuit and select the attorney of your choice. However, if you do not join the lawsuit, you will not be able to receive any money recovered in this lawsuit.

6. What happens next?

The lawsuit will proceed toward trial, which could take many months or years. If your contact information changes, provide Plaintiff's counsel updated contact information so they may contact you as necessary (e.g., to update you about the case, to send you money from any settlement or judgment, etc.).

7. No retaliation permitted.

Federal law prohibits All My Sons from retaliating against you in any way (for example, firing you, giving you unfair reviews, cutting your pay, failing to promote you, etc.) for exercising your rights under the FLSA (for example, by joining this lawsuit or by providing evidence in support of Plaintiff).

8. Your legal representation if you join.

If you choose to join this suit, you will be represented by the Named Plaintiff through his attorneys. They are:

YEN PILCH ROBAINA & KRESIN PLC
6017 N. 15th Street
Phoenix, Arizona 85014
Ty D. Frankel (AZ Bar No. 027179)
TDF@yprklaw.com
Patricia N. Syverson (AZ Bar No. 020191)
PNS@yprklaw.com
Telephone: (602) 682-6450

If you want further information about this lawsuit, or have questions about the procedure or deadline for filing a "Consent to Opt-In to Collective Action," please contact Plaintiff's Counsel.

9. This Notice has been authorized by the Court.

This Notice and its contents have been authorized by the United States District Court for the District of Arizona, the Honorable Raner C. Collins presiding. The Court has taken no position regarding the merits of the Plaintiff's claims or of All My Sons' defenses.

1 **YEN PILCH ROBAINA & KRESIN PLC**
2 6017 N. 15th Street
3 Phoenix, Arizona 85014
4 Telephone (602) 682-6450
5 Ty D. Frankel (027179)
6 TDF@yprklaw.com

7 **YEN PILCH ROBAINA & KRESIN PLC**
8 9655 Granite Ridge Drive, Suite 200
9 San Diego, California 92123
10 Telephone: (619) 756-7748
11 Patricia N. Syverson (020191)
12 PNS@yprklaw.com

13 **IN THE UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 Jose A. Vega, on behalf of himself and all
16 those similarly situated,

17 Plaintiff,

18 v.

19 All My Sons Business Development, LLC,
20 a Delaware limited liability company; All
21 My Sons Moving & Storage of Tucson
22 LLC, a Delaware limited liability company;
23 All My Sons Moving & Storage of Phoenix
24 LLC, a Delaware limited liability company,

25 Defendants.

Case No. 4:20-cv-00284-RCC

CONSENT TO OPT-IN TO LAWSUIT

26 Pursuant to 29 U.S.C. §§ 216(b) and 256, I hereby consent and opt-in to this lawsuit.

27 I believe I am similarly situated to the named representative in this lawsuit. I was
28 employed as a Helper who was paid an hourly wage when I worked at All My Sons' Tucson,
Arizona location. During my employment I believe I was not paid minimum wage or
overtime statutorily required by the Fair Labor Standards Act.

1 I hereby consent to opt-in to this lawsuit and specifically authorize Plaintiff and
2 counsel of record to pursue this lawsuit on my behalf along with all those similarly situated.
3 I understand the named representative will act as my agent and make decisions on my behalf
4 regarding this lawsuit, including decisions related to the litigation of and potential
5 settlement or resolution of this lawsuit. I agree that the decisions and agreements made and
6 entered into by the named representative will be binding on me.

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Signature

Printed Name

Date

Street Address

City, State ZIP

Telephone Number

Email Address