

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JAMAAL FOSTER and ANTIWON :  
BROWN Individually And On Behalf of :  
All Others Similarly Situated, :  
:  
Plaintiffs, :  
:  
vs. : Civil Action Number:  
1:11-CV-3342-JEC  
:  
A-1 QUALITY LABOR SERVICES, :  
LLC and WILLIAM J. FOSTER, III, :  
:  
Defendants. :

**NOTICE OF LAWSUIT**

TO: Present and Former Workers A-1 Quality Labor Services, LLC who worked at the Saalfeld Warehouse in Georgia at any time from September 30, 2008 to present.

RE: Fair Labor Standards Act (“FLSA”) Lawsuit filed against A-1 Quality Labor Services, LLC and William J. Foster, III.

**I. INTRODUCTION**

The purpose of this Notice is to inform you of the existence of a collective action lawsuit and to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for participating in this lawsuit, should you choose to do so.

**II. DESCRIPTION OF THE LAWSUIT**

On September 30, 2011, Plaintiffs Jamaal Foster and Antiwon Brown brought this lawsuit against A-1 Quality Labor Services, LLC and William J. Foster, III. Plaintiffs are former workers of A-1 Quality Labor Services, LLC who worked at

the Saalfeld Warehouse in Georgia. They claim that, during the three years before the filing of this lawsuit, they were wrongly classified as independent contractors instead of as employees and that A-1 Quality Labor Services, LLC paid them a fixed amount of pay each day, regardless of the number of hours actually worked each day or each week. Plaintiffs claim that they worked more than forty (40) hours in certain weeks and were not paid the overtime compensation to which they are entitled, if classified as employees. Plaintiffs allege that these practices are in violation of the FLSA. Plaintiffs seek to recover overtime pay from September 30, 2008 to the present. Plaintiffs also seek liquidated damages (an additional payment equal to the overtime pay they should have received), attorneys' fees and costs. Plaintiffs also claim that Defendant William J. Foster, III meets the definition of "employer" under the FLSA" and is also personally liable for any overtime pay and liquidated damages owed. The lawsuit is currently in the early discovery stage.

A-1 Quality Labor Services, LLC and William J. Foster, III deny that they have violated the FLSA in any way, willfully or otherwise, and claim that it correctly classified its workers at the Saalfeld Warehouse as independent contractors who were not entitled to overtime pay under the law. Moreover, Defendants claim they paid all amounts due and exercised good faith in determining how the FLSA applied to its workers and that they have otherwise complied with the FLSA. Defendants also claim that William J. Foster, III, is not an "employer" under the law and should not be a Defendant in this lawsuit.

### **III. COMPOSITION OF THE CLASS**

The class in this case is composed of all current and former workers A1 Quality Labor Services, LLC who worked at the Saalfeld Warehouse in Georgia at any time from September 30, 2008 to present, regardless of job title, who worked more than forty hours in a given week. If you are receiving this Notice, you meet the definition of the class and can join this lawsuit as a Plaintiff if you choose to do so.

### **IV. YOUR RIGHT TO PARTICIPATE IN THIS SUIT**

If you fit the description above, you may join this lawsuit (that is, you may "opt in") provided that you send, on a timely basis, a "Consent to Join" form (a copy of which is enclosed) to Plaintiffs' Counsel, in the next sixty (60) days.

If you file a “Consent to Join,” your continued right to participate in this lawsuit may be affected by a later decision that you are not “similarly situated” with any of the named Plaintiffs, in accordance with federal law.

It is entirely your own decision whether or not to join this lawsuit. You are not required to file your Consent to Join or to take any action at all unless you want to. Federal law prohibits the Defendant from discharging or in any other manner discriminating or retaliating against you because you "opt-in" to this case, or in any other way exercise your rights under the Fair Labor Standards Act.

#### **V. TIME LIMIT FOR FILING CONSENT TO JOIN**

To be valid, a written “Consent to Join” form must be mailed to, and be received by Plaintiffs’ Counsel identified in this Notice of Lawsuit no later than sixty (60) calendar days from the date of this notice. Plaintiffs’ Counsel’s address is:

Mitchell D. Benjamin  
Matthew C. Billips  
BILLIPS & BENJAMIN LLP  
One Tower Creek  
3101 Towercreek Parkway, Suite 190  
Atlanta, Georgia 30339  
(770) 859-0751 Telephone  
(770) 859-0752 Facsimile  
[benjamin@bandblawyers.com](mailto:benjamin@bandblawyers.com)

All persons seeking to join this lawsuit must send a completed “Consent to Join” form with Plaintiffs’ Counsel by U.S. Mail, facsimile or by email. For convenience, a pre-addressed stamped envelope is included with this Notice of Lawsuit for this purpose. If you send a Consent to Join form, you are encouraged to follow up with Plaintiffs’ Counsel to make sure that your Consent to Join Form was received if you do not receive confirmation within ten days that Plaintiffs’ counsel has received your Consent to Join form.

## **VI. LEGAL EFFECT OF JOINING THIS LAWSUIT**

If you choose to join this lawsuit, you will be bound by the judgment of the Court, whether it is favorable or unfavorable, on all issues relating to the FLSA which are decided by the Court. This lawsuit does not include any claims other than the overtime compensation claims under the FLSA. While this lawsuit is proceeding, you may, among other things, be required to provide information, sit for depositions, and, if the case proceeds to trial or is otherwise necessary, testify in Court.

Plaintiffs' Counsel have taken this case on a contingency basis. They may be entitled to receive attorneys' fees and costs from Defendants should there be a recovery or judgment in Plaintiffs' favor. If there is a recovery, Plaintiffs' Counsel will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' Counsel will not seek any attorneys' fees or costs from any of the Plaintiffs.

You have a right to consult with or retain other counsel, but by joining this lawsuit, you designate the named Plaintiffs as your agent to make decisions on your behalf concerning the litigation such as the method and manner of conducting or settling the litigation. These decisions and agreements made and entered into by the named Plaintiffs will be binding on you if you join this lawsuit.

## **VII. LEGAL EFFECT OF NOT JOINING THIS LAWSUIT**

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment or settlement entered in this case, favorable or unfavorable. If you choose not to join in this action or file your own action, some or all of your potential claims may later be barred by the applicable statute of limitations.

## **VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join this lawsuit, your interest will be represented by the attorneys listed below:

Mitchell D. Benjamin, Esq.  
Matthew C. Billips, Esq.  
John R. Ulmer, Esq.  
BILLIPS & BENJAMIN LLP  
One Tower Creek  
3101 Towercreek Parkway, Suite 190  
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#### **IX. DEADLINE FOR FILING A CONSENT TO JOIN**

If you believe you fall within the persons identified in paragraph III above and desire to become a party to this lawsuit, you must completely fill out the attached Consent to Join form and return it to Plaintiffs' Counsel on or before **March 11, 2013**. Persons whose Consent to Join forms are not provided to Plaintiffs' Counsel by **March 11, 2013**, will not be permitted to join this lawsuit.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, THE HONORABLE JULIE E. CARNES, UNITED STATES DISTRICT JUDGE. THE COURT HAS TAKEN **NO POSITION** REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES.