

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

_____ :
KIARA LOTT, on behalf of herself and all :
others similarly situated, : Case No: 1:23-cv-00489
 :
Plaintiff, : Hon. Douglas R. Cole
 :
v. :
 :
RECKER CONSULTING, LLC, a limited :
liability company, and LYP CONTACT :
CENTER, LLC, a limited liability company, :
 :
Defendants. :
_____ :

NOTICE OF RIGHT TO JOIN LAWSUIT

THIS IS NOT A LAWSUIT AGAINST YOU

READ THIS NOTICE CAREFULLY – YOUR LEGAL RIGHTS MAY BE AFFECTED.

TO: All current and former Patient Care Associates who work or have worked for Recker Consulting, LLC or LYP Contact Center, LLC at any of their locations at any time during the past three years.

DATE: January 3, 2025

RE: Fair Labor Standards Act (“FLSA”) Lawsuit against Recker Consulting, LLC and LYP Contact Center, LLC seeking compensation for overtime for hours worked by Patient Care Associates. *Lott et al v. Recker Consulting, LLC et al*, Case No. 1:23-cv-00489, pending in the United States District Court for the Southern District of Ohio.

DEADLINE TO RETURN CONSENT TO JOIN FORM: MARCH 4, 2025

1. INTRODUCTION

This Notice is to inform you about a lawsuit in which you may be eligible to make a claim for damages under the FLSA, 29 U.S.C. § 201, *et seq.*, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit, if you are eligible and so choose.

2. DESCRIPTION OF THE LAWSUIT

Plaintiff Kiara Lott (“Plaintiff”) filed this action against Recker Consulting, LLC and LYP Contact Center, LLC on behalf of herself and all other current and former Patient Care Associates who work or have worked for Recker Consulting, LLC and LYP Contact Center at any time during the past three years. Plaintiff alleges that Recker Consulting, LLC and LYP Contact Center violated the FLSA and common law by employing an unlawful timekeeping policy pursuant to which Patient Care Associate clock-in and clock-out times were systematically rounded to their detriment; and requiring Patient Care Associates to perform unpaid work before and after their scheduled shifts and during their unpaid meal periods and failing to pay them for all overtime hours worked, and in non-overtime workweeks, for regular hours.

Plaintiff alleges that she and all other Patient Care Associates are entitled to unpaid overtime wages, liquidated (double) damages equal to the amount of the back wages for the past three years, plus her attorneys’ fees and costs associated with bringing this lawsuit.

Defendants deny Plaintiff’s allegations and deny that Patient Care Associates are entitled to any relief or damages. Defendants contend that, at all times, they complied with the law and all statutes and regulations, including as to the rounding policy and/or practice at issue in this case. Defendants further contend that they never required Patient Care Associates to perform unpaid work before or after their scheduled shifts or during their unpaid meal breaks. Defendants contend that they compensated Patient Care Associates for all hours worked, including overtime, consistent with the FLSA and common law.

3. PERSONS ELIGIBLE TO RECEIVE THIS NOTICE

The U.S. District Court for the Southern District of Ohio authorized the distribution of this Notice to:

All current and former Patient Care Associates who work or have worked for Recker Consulting, LLC or LYP Contact Center, LLC at any of their locations at any time during the past three years.

If you received this Notice and fit the description above, you are eligible to join this lawsuit.

4. NO OPINION EXPRESSED AS TO MERITS OF LAWSUIT

This Notice is meant only to provide eligible individuals with information about their right to join this lawsuit if they wish. This litigation is in the early pretrial stage and no determinations of liability have been made.

Although this Notice and its contents were authorized by the Court, **the Court takes no position regarding any claims or defenses** and there is no assurance that the Court will grant any relief to the Plaintiffs in this case. The Court has not yet made any decision regarding the merits of the parties’ claims or defenses.

5. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you meet the definition for the collective group identified in Section 3, you are eligible to participate in this lawsuit.

There is no guarantee of any recovery should you participate in this Lawsuit. If the Court or a jury finds that you prevailed in the case, you will be eligible to recover damages as allowed by law. If the Court or a jury finds that you did not prevail in the case and you are determined to be an unsuccessful plaintiff, you may be liable for a portion of Defendants' litigation costs as allowed by law. Costs do not include attorneys' fees.

It is entirely your own decision whether to join this lawsuit.

6. EFFECT OF JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be obligated to participate in discovery and subject to the rulings of the Court, whether favorable for you or unfavorable for you.

While this lawsuit is proceeding, you may be required to respond under oath to written questions, to have your deposition taken under oath, to produce documents, and/or to testify in court at a trial or hearing at the U.S. District Courthouse in Cincinnati, Ohio.

By joining this lawsuit, you can choose to (1) designate the attorneys identified in Section 8 to represent your interest, (2) retain an attorney of your own choice to represent you, or (3) proceed without an attorney. If you timely complete and return the attached Consent to Join Form to the attorneys identified in Section 8 and/or to the Notice Administrator identified in Section 9, Sommers Schwartz, P.C. will represent you in the Lawsuit. If you choose to hire your own attorney or decide to represent yourself in this lawsuit, you should not use the attached Consent to Join Form. Instead, you and/or the attorneys you choose must take steps to file a consent to join form with the Court.

By joining this lawsuit, you will be bound by the judgment of the Court on all issues in this lawsuit, whether favorable or unfavorable.

The Fair Labor Standards Act contains a limitations period of at least two years and potentially up to three years for the filing of a claim for unpaid overtime wages, after which the claim is forever barred. The statute of limitations on your claim for unpaid overtime wages will not stop running unless you elect to submit a consent to join form and that form is filed with the Court. You are free to consult with an attorney of your choosing as to how the statute of limitations would apply to any claims you might have.

7. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT

If you choose not to join this lawsuit, you will not be affected or bound by any judgment, favorable or unfavorable, on any claims brought under the FLSA alleged in this lawsuit. You will retain all rights, if any, that you may have under the FLSA and may file your own lawsuit or complaint with the U.S. Department of Labor or a court of proper jurisdiction, subject to the time limitations set by law.

8. YOUR LEGAL REPRESENTATION IF YOU JOIN

As noted above, if you join this lawsuit, you are free to choose an attorney that you want to represent you, you may choose to have Plaintiff Kiara Lott's attorneys represent you, or you may choose to proceed without an attorney. If you return the attached Consent to Join Form to Atticus Administration and/or Sommers Schwartz, P.C., you will be represented by Kiara Lott's attorneys, Matthew L. Turner and Alana A. Karbal of the law firm Sommers Schwartz, P.C. Their contact information is:

SOMMERS SCHWARTZ, P.C.
Matthew L. Turner, Esq.
Alana A. Karbal, Esq.
One Towne Square, 17th Floor
Southfield, Michigan 48076
Telephone: (248) 415-3179
Fax: (248) 936-2149
Email: FLSA@sommerspc.com

If you hire an attorney of your choosing to represent you, that attorney must file a consent to join form with the Court. If you choose to proceed without an attorney, you are responsible for filing a consent to join form with the Court.

If you select Mr. Turner and Ms. Karbal as your attorneys, they will not require you to pay attorneys' fees or court costs at this time. If you prevail in the Lawsuit, they will ask the Court for an order requiring Defendants to pay their reasonable attorneys' fees and expenses.

9. HOW TO JOIN THIS LAWSUIT

If you wish to join this lawsuit and make a claim for unpaid overtime wages as described in the Description of the Lawsuit above, you must read, sign, and return the attached Consent to Join Form by March 4, 2025. You may return your Consent to Join Form by filling out the attached form and returning it by mail with the enclosed self-addressed envelope, email, or fax to:

Lott et al v. Recker Consulting, LLC et al
c/o Atticus Administration
PO BOX 64053
Saint Paul, MN 55164
Email: LottVReckerConsultingLawsuit@AtticusAdmin.com
Fax: 1-888-326-6411

You may also submit the Consent to Join Form online by visiting the website at www.LottVReckerConsultingLawsuit.com or by scanning the QR code below:



If you select Sommers Schwartz, P.C. to represent you in this lawsuit, Plaintiffs' counsel will file your completed Consent to Join Form with the Court upon receipt. If you retain separate counsel to represent you, the firm of your choice must file a consent to join form for you. If you choose to represent yourself, you must file your own consent to join form.

Until a consent to join form is filed with the Court, the statute of limitations ordinarily continues to run, and you will not be entitled to receive compensation for the days during which you delay sending in a consent to join form.

10. DEADLINE

All consent to join forms must be received no later than March 4, 2025, which is sixty (60) days after this Notice was mailed to you.

If you have already submitted a consent to join form for this case, prior to receiving this Notice, then you do not need to submit another one at this time.

11. NO RETALIATION PERMITTED

The FLSA prohibits employers from discriminating or retaliating against any person for filing a lawsuit, a claim for compensation, assisting or testifying in a lawsuit under the FLSA, or participating in a proceeding or exercising rights under the FLSA.

12. FURTHER INFORMATION

For further information about this lawsuit, you may contact Plaintiffs' counsel listed above in Section 8.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS LAWSUIT.