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SOPHIA FRANCIS, Individually and on  
Behalf of All Others Similarly Situated,

06 CV 1638(CS)(GAY)

Plaintiff,

-against-

A&E STORES, INC.,

Defendant.

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***THIS NOTICE HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. THIS IS NOT A SOLICITATION FROM A LAWYER.***

**If you are or were an “Assistant Store Manager” at a “PayHalf” store, and you are currently employed in that position or were employed in that position within three years prior to the date of this notice, and you were salaried and did not receive overtime compensation, please read this notice.**

**1. WHY DID I GET THIS NOTICE?**

The purpose of this legal notice is to inform you that a lawsuit has been filed against A&E Stores, Inc., owner of PayHalf Stores, for unpaid overtime wages, and that you may be eligible to join the lawsuit.

The Court has authorized this notice so that other individuals who may be “similarly situated” to the original plaintiff can become aware of their rights and join the lawsuit – or not – at their choice.

This notice advises you about how your rights may be affected by this lawsuit and how you may participate in this lawsuit, if you decide you wish to do so.

**2. WHAT IS THE LAWSUIT ABOUT?**

Plaintiff Sophia Francis, a former PayHalf Assistant Store Manager, filed the lawsuit against A&E Stores, Inc. on March 2, 2006. She alleges that A&E Stores, Inc. violated the Federal Fair Labor Standards Act by not paying certain eligible PayHalf Assistant Store Managers overtime compensation at the rate of time and one-half for all hours worked in excess of 40 hours in a work week. Defendant A&E Stores, Inc. disagrees, and claims it properly paid its PayHalf Assistant Store Managers all wages they were owed. The lawsuit is captioned *Francis v. A&E Stores, Inc.*, No. 06-Civ-1638 (CS) (GAY).

**3. WHO MAY JOIN THE LAWSUIT?**

If you are currently employed as a PayHalf Assistant Store Manager, or were employed as a PayHalf Assistant Store Manager within three years prior to the date of this notice, and you are or were a salaried employee who and did not receive overtime compensation, then you are eligible to join this lawsuit. Joining this lawsuit does not mean that you are automatically entitled to any money, only that the lawyers who represent you will try and obtain money for you. The Court may determine further rights, including the right for the case to continue on a consolidated basis.

**4. HOW DO I JOIN?**

If you fit within the definition of the class members described above, you may join this lawsuit **in either of two ways:**

(1) You may join this lawsuit by reading, completing and returning the attached “Consent to Become Party Plaintiff” form to class counsel at the addresses listed below. The return envelope is pre-addressed and postage-paid for your convenience. Should the enclosed Consent form be lost or misplaced, forms are available at [www.klafterolsen.com](http://www.klafterolsen.com) and [www.bromberglawoffice.com](http://www.bromberglawoffice.com) or you may contact class counsel:

Seth R. Lesser & Fran Rudich  
KLAFTER OLSEN & LESSER LLP  
1311 Mamaroneck Ave, Suite 220  
White Plains, NY 10605  
Telephone: (914) 997-5656  
Email: [Fran.Rudich@klafterolsen.com](mailto:Fran.Rudich@klafterolsen.com)

Brad Berger & Jeffrey Gottlieb  
BERGER & GOTTLIEB  
150 East 18th Street, Suite PHR  
New York, NY 10003  
Telephone: (212) 228-9795  
Email: [nyig@aol.com](mailto:nyig@aol.com)

Brian L. Bromberg  
BROMBERG LAW OFFICE, P.C.  
40 Exchange Place, Suite 2010  
New York, NY 10005  
Telephone: (212) 248-7906  
Email: [brian@bromberglawoffice.com](mailto:brian@bromberglawoffice.com)

The Consent form must be sent to class counsel in sufficient time to have plaintiffs' counsel file it with the Court on or **before February 23, 2009**. If you fail to return the "Consent to Become Party Plaintiff" form to class counsel in time for it to be filed with the federal court on or before the above deadline, you may not be able to participate as a plaintiff in this lawsuit.

**-OR-**

(2) You may also join the lawsuit by retaining another lawyer of your own choosing. If you do so, your attorney must file an "opt-in" consent form with the Court on or **before February 23, 2009**. The address of the Court is:

U.S. District Court for the Southern District of New York  
Attn: Clerk of the Court  
300 Quarropas Street  
White Plains, NY 10601

The Clerk of the Court cannot give legal advice about this lawsuit.

#### **5. WHAT HAPPENS IF I JOIN?**

If you choose to join in this lawsuit, you will be bound by the Judgment in this lawsuit, whether it is favorable or unfavorable to you.

If you join the lawsuit by signing and returning the "Consent to Become Party Plaintiff" form, the lawyers for the class will represent you. These lawyers are representing the class on a contingency basis. They will not get paid unless they obtain money for you and the class. If there is a recovery, the class lawyers will receive a part of any settlement obtained or money judgment obtained in favor of all members of the class. The amount they will get paid will be determined by the Court.

#### **6. AND IF I DO NOT JOIN?**

If you do not wish to be part of the lawsuit, you do not need to do anything. If you do not join the lawsuit, you will not be part of the lawsuit in any way and will not be bound or affected by the result of the lawsuit (whether favorable or unfavorable).

If you decide not to join the lawsuit, you retain your right to bring a similar lawsuit on your own at a future time. However, claims under the Fair Labor Standards Act must be brought within *2 years* of the date the claim accrues, unless the employer's violation of the law was "willful," in which case the claim must be brought within *3 years*.

#### **7. NO RETALIATION PERMITTED**

Federal law prohibits the defendant from discharging you from your position of employment or in any other manner penalizing you or discriminating against you because you received this notice or join this lawsuit, or because you in any other way exercise your rights under the Fair Labor Standards Act.

#### **8. FURTHER INFORMATION**

Additional information can be obtained from the lawyers listed in Paragraph 4 or from the websites also listed in Paragraph 4.

You may also examine the Court file in this case, in person, at the U.S. Courthouse, 300 Quarropas Street, White Plains, NY 10601. You may also view the case file via the Internet, for a fee, using the Court's PACER service. Go to [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov) for more information.

**Other than in-person requests to examine the file at the Clerk's Office, no inquiries concerning this case should be directed to the Court or to the Clerk of the Court.**

DATED: December 9, 2008

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. THE COURT TAKES NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF THE DEFENDANT'S DEFENSES OR COUNTERCLAIMS.**