

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**If you are or were a delivery driver employed by Mountainside Pizza, Inc., Prima Pizza, Inc., Longhorn Pizza, Inc. and/or Southside Pizza, Inc. d/b/a “Domino’s” between June 5, 2014 and the present, please read this notice. A collective action lawsuit may affect your rights.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

Re: Lawsuit Regarding Claims for Alleged Unreimbursed Expenses/Unpaid Wages

- ) **A delivery driver** (Named Plaintiff) has sued Mountainside Pizza, Inc., Prima Pizza, Inc., Longhorn Pizza, Inc. and Southside Pizza, Inc. d/b/a “Domino’s” (Defendants) claiming they failed to fully reimburse delivery drivers for automobile expenses, which has reduced the wages paid by Defendants to drivers below the federal minimum wage.
- ) The Court has authorized mailing of this notice to current and former delivery drivers who worked for Defendants between June 5, 2014 and the present.
- ) You have been identified as a person potentially eligible to join this lawsuit.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>ASK TO BE INCLUDED</b>	If you choose to be included in this case, you have the possibility of getting money or benefits from a trial or a settlement of the federal wage and hour claim, and you give up any rights to separately sue Defendants about the same claim in this lawsuit. <u>If you wish to be included, you must opt-in by completing the Consent to Join form at the end of this Notice.</u>
<b>DO NOTHING</b>	If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this lawsuit, whether favorable or unfavorable to the opt-in plaintiffs.

### **1. Why did I get this notice?**

Records show that you currently or previously worked for Defendants as a delivery driver. The Court has authorized mailing of this notice regarding a collective action lawsuit that may affect you. You have legal rights and options that you may exercise in this case. The lawsuit is titled *Nelson v. Mountainside Pizza, Inc., et al.*, Civil Action No. 1:16-cv-02825-RM-MJW, and is filed in federal court in the District of Colorado.

### **2. What is this lawsuit about?**

In this lawsuit, the Named Plaintiff claims that Defendants failed to pay him and other, similarly situated delivery drivers the minimum wage by not fully reimbursing them for automobile expenses. He claims that, after deducting vehicle expenses (and excluding tips), he and other delivery drivers were paid less than the federal minimum wage.

### **3. What is a collective action and who is involved?**

In a collective action lawsuit, one or more people sue on behalf of other people who have similar claims. The Named Plaintiff who sued – and all those who return the attached Consent to Join form – are called the Plaintiffs. Mountainside Pizza, Inc., Prima Pizza, Inc., Longhorn Pizza, Inc. and Southside Pizza, Inc. d/b/a “Domino’s” are called the Defendants. One Court resolves the issues for everyone who joins the case.

### **4. Why is this lawsuit a collective action?**

The Named Plaintiff who filed this lawsuit alleges there is a group of “similarly situated” current and former delivery drivers employed by Defendants.

### **5. What is Defendants’ position?**

Defendants deny any wrongdoing or liability and vigorously contest all claims that have been asserted. Defendants assert that delivery drivers were always paid an hourly wage at or above the federal minimum wage, as well as reasonable and lawful vehicle reimbursements and tips.

### **6. Has the Court decided who is right?**

The Court has not decided whether Defendants or the Named Plaintiff is correct. By authorizing this notice, the Court is not suggesting that the Named Plaintiff will win or lose the case.

### **7. What is the Named Plaintiff asking for?**

The Named Plaintiff is seeking to recover any unpaid minimum wages, or, in other words, the difference between what he was paid and the minimum wage. The Named Plaintiff also seeks “liquidated damages” in an amount equal to the unpaid wages, as well as recovery of costs and attorneys’ fees.

### **8. Can I join this lawsuit?**

You have been identified as potentially eligible to join this lawsuit. Current and former delivery drivers who worked for Defendants from June 5, 2014 to the present are eligible to join.

### **9. What happens if I join the lawsuit?**

If you choose to join this lawsuit, and are ultimately determined by the Court to be an opt-in plaintiff, you will be bound by any ruling, settlement or judgment, whether favorable or

unfavorable, on the claims asserted. You will also be bound by, and will share in, to the extent appropriate, any settlement of the claims that may be reached on behalf of the opt-in plaintiffs. By joining this lawsuit, you designate the Named Plaintiff as your representative, and to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Plaintiff's counsel regarding payment of attorneys' fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. While this suit is pending, you may be required to submit documents and written answers to questions and to testify under oath at a deposition, or testify under oath in court. The law prohibits Defendants from retaliating against you for participating in this Lawsuit.

#### **10. What happens if I do nothing at all?**

If you choose not to join this lawsuit, you will not be directly affected by any ruling, judgment or settlement rendered on the federal claim asserted in this case, whether favorable or unfavorable. You should be aware that Fair Labor Standards Act claims are limited to a two- or three-year statute of limitations, and delay in joining this case, or proceeding separately, may result in some or all of your claims expiring as a matter of law.

#### **11. How do I ask to be included in the case?**

Enclosed is a form called "Consent to Join." If you choose to join this lawsuit, **it is extremely important that you read, sign and promptly return the Consent to Join form.** An addressed and postage paid return envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, return the Consent to Join form to:

Mountainside Pizza Litigation  
PAUL LLP  
601 Walnut Street, Suite 300  
Kansas City, MO 64106

The signed Consent to Join form must be postmarked by October 4, 2017. **If your signed Consent to Join form is not postmarked by October 4, 2017, you may be prohibited from participating in this case.**

#### **12. Do I have a lawyer in this case?**

If you choose to join this lawsuit, unless you elect otherwise, you will be represented by Richard M. Paul III of PAUL LLP and Mark Potashnick of Weinhaus & Potashnick.

#### **13. Should I get my own lawyer?**

If you choose to opt-in to the lawsuit by promptly returning a signed Consent to Join form, you do not need to hire your own lawyer because Plaintiff's counsel will be working on your behalf. But if you want your own lawyer, you may have to pay that lawyer and may have to file your own separate lawsuit.

#### **14. How will the lawyers be paid?**

The Named Plaintiff has entered into a contingency fee agreement with Plaintiff's counsel, which means that if the Named Plaintiff does not win, there will be no attorneys' fees chargeable to him or anyone who joins the lawsuit. Under the fee agreement, in the event there is a recovery, Plaintiff's counsel may receive a percentage of any settlement obtained or money judgment entered

in favor of all opt-in plaintiffs. The fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by Defendants, or may be a combination of the two. Any fees will be subject to approval by the Court. A copy of the contingency fee agreement executed by the Named Plaintiff may be obtained upon request from Plaintiff's counsel identified below.

**15. Are there more details available?**

If you have any questions or require additional information, please contact any of the following individuals who are counsel to the Plaintiffs in this lawsuit:

Richard M. Paul III, Attorney  
PAUL LLP  
601 Walnut, Suite 300  
Kansas City, Missouri 64106  
Toll Free: (855) 984-8100  
Rick@PaulLLP.com

Mark Potashnick, Attorney  
Weinhaus & Potashnick  
11500 Olive Blvd., Suite 133  
St. Louis, Missouri 63141  
(314) 997-9150 ext. 2  
markp@wp-attorneys.com

**16. Please keep your address current.**

To assist the Court and the parties in maintaining accurate lists of opt-in plaintiffs, you are requested to mail notice of any changes in your address to the attorneys listed above. If the notice was forwarded to you by the postal service, or if it was otherwise sent to you at an address that is not current, you should immediately contact the attorneys listed above and provide them with your current address. If counsel does not have your correct address, you may not receive notice of important developments in this action.

**PLEASE DO NOT CONTACT THE COURT CLERK REGARDING THIS MATTER**