

NOTICE OF LAWSUIT
WITH OPPORTUNITY TO JOIN

If you worked for The Mercy Hospital of Pittsburgh as an hourly employee in the last three years, a lawsuit may affect your rights.

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

- Employees have sued Pittsburgh Mercy Health System and related entities (“Pittsburgh Mercy”) claiming Pittsburgh Mercy failed to pay overtime as a result of Pittsburgh Mercy not compensating hourly-paid employees for meal breaks during which the employees performed at least some work for their employer. Pittsburgh Mercy denies that it did anything wrong and says that it paid all overtime wages required in said situations.
- The Court has allowed the lawsuit to be conditionally certified as a collective action on behalf of employees at The Mercy Hospital of Pittsburgh (“Mercy Hospital”) who have been subject to automatic meal break deductions and who have or may have worked through or during unpaid meal breaks but did not receive overtime compensation.
- The Court has not decided whether Pittsburgh Mercy did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights may be affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

<p>ASK TO BE INCLUDED</p>	<p>Join in this lawsuit. Await the outcome. Give up right to sue separately.</p> <p>By joining, you may get money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Pittsburgh Mercy separately about the same legal claims in this lawsuit.</p>
<p>DO NOTHING</p>	<p>Do nothing. Get no benefits from it. Keep right to sue separately.</p> <p>If you do nothing and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Pittsburgh Mercy separately about the same legal claims in this lawsuit.</p>

- Your options are further explained in this notice.

BASIC INFORMATION

1. Why did I get this notice?

On March 31, 2009, a group of former and/or current employees of Pittsburgh Mercy filed a lawsuit in the United States District Court for the Western District of Pennsylvania (Civil Action No. 09-377), claiming, among other things, that they were hourly employees who did not receive overtime compensation for work performed during meal breaks. Pittsburgh Mercy's records show that you currently work, or previously worked, for Mercy Hospital in an hourly-paid position.

This notice informs you of the existence of a collective action lawsuit in which you may become a member. It also explains what you need to do to participate, or not participate, and how your rights may be affected.

On July 7, 2009, the Honorable Cathy Bissoon, United States Magistrate Judge for the Western District of Pennsylvania, authorized the sending of this Notice to inform you of your rights in connection with this lawsuit.

2. What is a collective action and who is involved?

In a collective action lawsuit, two or more people who have similar claims against an employer are permitted to assert those claims in a single lawsuit. The people who decide to participate in the lawsuit are called the plaintiffs. The employer they sued (in this case Pittsburgh Mercy) is called the defendant. One Court resolves the issues for everyone in the collective action – except for those people who choose not to join.

In this case, the Court has determined preliminarily that hourly employees, who were subject to automatic meal period deductions at Mercy Hospital and who are alleged to be owed overtime compensation as a result of having worked through or during unpaid meal breaks, without compensation, during the past three years, may have sufficiently similar claims that it makes sense to send this notice of rights to such employees.

3. What does the lawsuit complain about?

In the lawsuit, the plaintiffs claim that Pittsburgh Mercy had a practice of automatically deducting 30 minutes from employees' workdays for meal periods, even when employees performed compensable work during meal periods.

The plaintiffs allege that Pittsburgh Mercy's practices, as described above, did not comply with the Fair Labor Standards Act ("the FLSA"), and plaintiffs claim they are owed unpaid overtime, as well as additional damages that may be allowed under the law and attorneys' fees.

4. How does Pittsburgh Mercy respond?

Pittsburgh Mercy denies that it did anything wrong and says that it paid all overtime wages required under the FLSA. Pittsburgh Mercy has also asserted that it has policies and procedures in place to ensure that any automatic meal break deductions were canceled for employees who worked during any part of a meal break, so that hourly wage employees received all overtime wages that were owed to them.

5. Has the Court decided who is right?

The Court has not decided whether Pittsburgh Mercy or the plaintiffs are correct. By conditionally permitting the collective action and authorizing issuance of this Notice, the Court is not suggesting that the plaintiffs will win or lose this case. The plaintiffs must prove their claims. Therefore, there is no money or benefits available now.

Once people have had the chance to opt in, the Court will decide whether people who have opted in may participate in this collective action. Only people “similarly situated” to the plaintiffs may participate in this collective action. To determine whether you are indeed a proper member of the collective action, the Court will engage in a review of the circumstances of your employment with Mercy Hospital.

YOUR RIGHTS AND OPTIONS

6. How do I join the collective action?

To participate in this lawsuit, you need to fill out the enclosed form entitled “Consent to Join” and mail it in the enclosed self-addressed stamped envelope to the attorneys for the plaintiffs. It is entirely your own decision whether or not to join this lawsuit.

The signed Consent form must be postmarked by October 31, 2009. If your signed Consent form is not postmarked by October 31, 2009, you may be prohibited from participating in any recovery obtained against Pittsburgh Mercy in this lawsuit.

If you decide to join this suit, you will be bound by the settlement or judgment, whether it is favorable or not. If there is a favorable resolution, either by settlement or judgment, and you qualify under the law, you will be entitled to some portion of the recovery.

You also may, but are not required to, complete the enclosed form entitled, “Information Sheet” and return it to counsel for the plaintiffs. Should you elect to join this collective action, the Information Sheet will provide your lawyers basic contact information and information regarding the dates and locations of your employment with Pittsburgh Mercy. The plaintiffs’ lawyers represent to the Court and you that any personal information you may provide will be used for the limited purpose of pursuing this lawsuit.

7. What if I do nothing?

If you do nothing, you will not participate in the collective action. You will not be bound by any decision on the federal overtime suit. Therefore, you will not be entitled to any recovery should there be any for those claims.

If you do not join this lawsuit, you will retain any legal rights you may have to overtime compensation. You also are free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted. You should be aware that FLSA claims are limited to a two or three-year statute of limitations, and delay in joining this action, or proceeding separately, may result in some or all of your claims expiring under the law.

8. If I join, will there be any impact on my employment?

Federal law prohibits Pittsburgh Mercy from discouraging or in any other way discriminating against you because you have exercised your rights under the FLSA. Such conduct would be unlawful, and you are entitled to damages should a court determine that Pittsburgh Mercy took any action against you for joining this lawsuit.

9. Do I have to do anything to help out with the lawsuit once I join?

The lawyers will handle most of the presentation of the case. From time to time, your lawyers will ask you for information and you will need to provide them with that information. While this suit is proceeding, you also may be required to respond to written questions, participate in depositions and/or testify in court. If you are asked to give information, plaintiffs' counsel has agreed to work with you so that the process is as convenient for you as possible.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in this case?

The law firm of Thomas & Solomon LLP is the counsel representing the named plaintiffs in this action.

Unless you choose another lawyer, these attorneys would represent you in the action. You can contact the plaintiffs' attorneys at:

J. Nelson Thomas, Esq.
Patrick J. Solomon, Esq.
THOMAS & SOLOMON LLP
693 East Avenue
Rochester, NY 14607
1-877-272-4066

11. Should I get my own lawyer?

You do not need to hire your own lawyer because Thomas & Solomon LLP has agreed to work on your behalf. You may hire a different lawyer if you wish to do so. You would be responsible for making the arrangements to hire that lawyer, including any fee arrangements. If you decide to have another attorney represent you, that attorney will need to draft a consent form that you should then mail to Thomas & Solomon LLP.

12. How will the lawyers be paid?

If the attorneys get money or benefits for the employees, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants the lawyers' request, the fees and expenses would be either deducted from any money obtained or paid separately by Pittsburgh Mercy.

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

YVONNE TAYLOR, et al.,)
)
Plaintiffs,)
v.)
)
PITTSBURGH MERCY HEALTH SYSTEM,)
et al.,)
)
Defendants.)

CONSENT TO JOIN

**Civil Action No.
09-CV-377**

By my signature below, I represent to the Court that I am a present or former hourly employee of Mercy Hospital.

I understand that this lawsuit is brought under the Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201-209, and I hereby consent, agree and opt-in to the above-captioned lawsuit that has been filed seeking payment of overtime compensation resulting from missed meal breaks.

I authorize the representative plaintiffs or plaintiffs' counsel to file this consent with the Clerk of the Court. Unless I opt to retain separate counsel of my own choice and at my own expense, I hereby further authorize the named plaintiffs to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, and all other matters pertaining to this lawsuit, including any settlement, and I further agree to be bound by any judgment entered by the Court or any settlement of this action.

Signature

_____/_____/_____
Date

Print Full Legal Name

