

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BRUCE C. COHEN, INDIVIDUALLY,) Civil No. 20-cv-01689 – DSD-HB
AS A PRIVATE ATTORNEY GENERAL)
AND ON BEHALF OF SIMILARLY)
SITUATED INDIVIDUALS)

v.)

CONSILIO LLC, AND)
CONSILIO SERVICES, LLC.)

) NOTICE OF COLLECTIVE
) ACTION LAWSUIT
)
)

THIS NOTICE HAS BEEN APPROVED BY THE UNITED STATES DISTRICT COURT FOR
MINNESOTA

PLEASE READ THIS NOTICE CAREFULLY
THIS NOTICE COULD AFFECT YOUR LEGAL RIGHTS
THIS IS THE ONLY NOTICE YOU WILL RECEIVE

TO: All licensed attorneys who performed document review in the United States from August 5, 2019 to present while employed by Consilio Services, LLC or Consilio, LLC (collectively, “Consilio”) and who were not paid overtime for hours in excess of 40 per workweek.

1. The purpose of this notice

The purpose of this Notice is to:

- (1) Inform you of the existence of a lawsuit
- (2) Advise you of how your rights may be affected by this lawsuit
- (3) Instruct you on procedures necessary to participate in this lawsuit if you decide to do so.
- (4) This notice applies only to federal claims brought under the Fair Labor Standards Act, and not to any rights or claims you may have pursuant to state law.

DEADLINE TO FILE THE CONSENT FORM: [60 days from mailing] _____, 2022

2. What is this lawsuit about

A Complaint was filed on August 2, 2020, by Bruce Cohen, a licensed attorney who is an employee of Consilio to perform document review. Cohen brought this lawsuit, in part, on behalf of himself and all other similarly situated employees pursuant to the Fair Labor Standards Act (“FLSA”), which is the federal law that generally requires overtime compensation for hours worked in excess of forty (40) per week. Cohen’s suit contends that he is entitled to overtime compensation on the ground that his primary duties do not render him subject to any exemption from the requirements of the FLSA, including the professional employee exemption. In addition to overtime, Cohen seeks liquidated damages, attorneys’ fees and costs.

Consilio disputes these claims and alleges that licensed attorneys, including Cohen, are exempt from the overtime requirements of the FLSA under the professional employee exemption.

The Court has not decided who is right. The Court will resolve these claims for those that opt-in in the absence of a negotiated resolution by the parties.

3. Are you eligible to join this lawsuit?

You are eligible to join this lawsuit if:

1. You are or were employed by Consilio as a licensed document reviewer from August 5, 2019 to the present;
2. You are or were not paid overtime for hours worked in excess of 40 in a workweek; and
3. You did not agree to arbitrate disputes regarding your compensation with Consilio.

4. Your rights to participate in this lawsuit

If you want to participate in this lawsuit, you may join as a Plaintiff by doing two things: (a) signing the attached "Consent Form" and (b) signing a representation and fee agreement with Plaintiff's counsel.

A. Consent Form

To participate as a Plaintiff in this lawsuit, you must sign and either: mail, fax or email the attached copy of the Consent Form to the Third-Party Administrator:

Name
Mail
Email
Fax

The Consent Form must be returned to the Administrator on or before _____.

Postmark on that date is not sufficient. If you fail to return a completed copy of the Consent Form before this deadline date, you may not participate in the lawsuit.

B. Representation and Fee Agreement

To participate as a Plaintiff in this lawsuit, you also must sign a representation and fee agreement with Plaintiffs' counsel. This Agreement will be sent to you upon Plaintiffs' counsel receipt of your signed "Consent Form." The "Consent Form" and a representation and fee agreement for unnamed or named plaintiff will also be posted on Plaintiff's counsel's webpage: www.singhadvisors.com Click on the tab: "Consilio Lawsuit." Plaintiffs' counsel reserves the right to withdraw from representation of any individual who refuses to sign this Agreement.

You will be represented by attorneys Earl Singh of Singh Advisors, LLC and by Ryan Hagerty and Matthew Pierce of Asher, Gittler & D’Alba, Ltd, Chicago, Illinois. If you have any questions or concerns about joining this Litigation, you may contact:

Earl John Singh
711 Smith Avenue South
St. Paul, Minnesota 55107
651-647-6250 (office)
614-460-9622 (cell)
651-251-1183 (fax)
Earl.singh@singhadvisors.com
www.singhadvisor.com

5. Effect of joining this lawsuit

If you choose to join in the lawsuit, you should understand that there is no guarantee of success or recovery for you or any other Plaintiff in this case and that you will be bound by the judgment or settlement, whether it is favorable or unfavorable. If the Court rules in favor of Consilio, you will be entitled to no relief if you join this action. The attorneys for Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorney fees. If there is a recovery, the Plaintiffs’ attorneys will receive a part of any settlement obtained or money judgment entered in favor of all Plaintiffs in the manner specified in the representation and fee agreement. Attorneys’ fees are subject to approval by the Court.

By joining this lawsuit, you designate the class representative – Bruce Cohen, as your agent to make decisions on your behalf concerning all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by the class representative will be binding on you if you join this lawsuit. Any settlement of this matter will be subject to the Court’s approval, as well as a Court-conducted fairness hearing, so as to permit any Plaintiff to raise any objections he/she may have to the terms of any proposed settlement.

6. Effect of not joining the lawsuit

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class.

NO RETALIATION PERMITTED

The Fair Labor Standards Act prohibits any and all Defendants from retaliating or discriminating against you in any way because you decided to exercise your rights under that Act.

If you do not wish to join this lawsuit, you do not need to do anything. The decision to join is entirely yours. Also, you may withdraw from this case any time you desire even if you execute the Consent Form.

7. Additional Information

If you need additional information regarding the Notice or the lawsuit, or you have any questions regarding the same, please do NOT contact the Court or Defendants’ counsel. Additional Information regarding this Notice or the lawsuit may be obtained by contacting Plaintiffs’ via the contact information stated above.

CONSENT TO JOIN CONSILIO LAWSUIT

Court-imposed deadline for filing is _____, 2022

Print Name: _____

1. I consent, agree and opt-in to the lawsuit filed against Consilio Services, LLC and Consilio, LLC to pursue my federal legal claims of unpaid overtime during my employment with the company.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act, and consent to be bound by the Court's decision.
3. I designate the law firms and attorneys at Singh Advisors, LLC and Asher, Gittler & D'Alba, Ltd. as my attorneys to prosecute my FLSA wage claims.
4. I consent to having Bruce Cohen, the named Plaintiff in this lawsuit against Consilio Services, LLC and Consilio, LLC, to make all decisions regarding litigation, the method and manner of conducting litigation, the terms of any potential settlement of this litigation, releasing of claims, and all other matters pertaining to this lawsuit.
5. If needed, I authorize the Plaintiff's lawyers to use this consent to re-file my claim in a separate lawsuit or arbitration against the Defendants.

Signature: _____ Date Signed: _____

Please return this Consent Form completed and executed by either: U.S. mail, email or facsimile to:

[Insert Third Party Administrator's Contact Information]

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