

NOTICE OF CLASS ACTION LAWSUIT

Jennifer Jalbert v. Graduate Leverage, LLC and Daniel Thibeault
UNITED STATES DISTRICT COURT – DISTRICT OF MASSACHUSETTS
Civil Action No. 1:15-cv-10452-NMG

IMPORTANT – OFFICIAL COURT NOTICE – PLEASE READ CAREFULLY

1. Why Is This Notice Being Sent?

You are receiving this Notice because you are a current or former employee of Graduate Leverage, LLC (also known as “GL Advisor”). A lawsuit has been filed against Graduate Leverage, LLC and its president Daniel Thibeault (collectively referred to as “GL Advisor”) alleging that GL Advisor failed to pay wages and various forms of compensation to employees upon the cessation of business operations in February of 2015. You may be entitled to compensation under one or more of the following legal theories: (1) Fair Labor Standards Act (“FLSA”); (2) Massachusetts Wage Act; or (3) quantum meruit.

GL Advisor has failed to participate in the lawsuit and a default was entered against them. This Notice has been authorized by the Court to inform current and former employees of their legal rights (including how to participate in the lawsuit in order to receive compensation), and how to provide information that can assist the Court in calculating the proper amount to be paid to each member of the Class.

2. What’s The Difference Between The FLSA And The Massachusetts Wage Act?

The **FAIR LABOR STANDARDS ACT** is a federal law that requires the payment of a minimum wage, which is currently \$7.55 per hour. An employer’s failure to pay any wages is a FLSA violation.

The **MASSACHUSETTS WAGE ACT** is a state law that applies to Massachusetts employees only. In addition to unpaid wages and salary, it also requires that an employer make payment of commissions, earned time off, and accrued vacation pay.

The Court has certified two Classes: (1) the FLSA Class and (2) the Massachusetts Wage Act Class. You have the right to participate in both Classes, but the actions you must take and your legal rights as to each Class are different, so it is important to read this notice carefully to make sure you act properly.

3. How Do I Make a Claim Under The Fair Labor Standards Act?

The FLSA Class is defined as “all current and former United States based employees of Graduate Leverage, LLC who did not receive payment of earned salary or wages from November 1, 2014 through the present.” If you are a member of this Class, you have the right to participate in the lawsuit and ask that the Court award you financial compensation. If you wish to join this lawsuit and ask that the Court make GL Advisor reimburse you for unpaid wages under the Fair Labor Standards Act, you must return the attached **CLAIM FORM**, making sure to answer all questions in **SECTIONS I AND II**. Your completed **CLAIM FORM** must be postmarked on or before **August 1, 2015**. If you join the lawsuit by timely returning the **CLAIM FORM**, you and GL Advisor will be bound by any ruling, judgment, award or settlement. If you do not return the **CLAIM FORM** in the allotted time, you will not be eligible for compensation under the FLSA.

4. What Are My Rights Under the Massachusetts Wage Act?

The Massachusetts Wage Act Class is defined as “all current and former Massachusetts based employees of Graduate Leverage, LLC who did not receive payment of any earned compensation including salary, wages, commissions, bonuses, expenses, earned time off, or vacation pay from November 1, 2014 through the present.” If you were a Massachusetts based employee of GL Advisor on or after November 1, 2014, you are automatically a member of this Class. In order to facilitate payment and to calculate the proper amount of compensation that you may be entitled to, you must return the attached **CLAIM FORM**, making sure to answer all questions in **SECTION II**. Your completed **CLAIM FORM** must be postmarked on or before **August 1, 2015**.

You have the right to participate in both the Massachusetts Wage Act Class and the FLSA Class so long as you were a Massachusetts based employee on or after November 1, 2014. To participate in both classes, you must complete **SECTIONS I AND II** of the **CLAIM FORM**. Your completed **CLAIM FORM** must be postmarked on or before **August 1, 2015**. If you only want to participate in the Massachusetts Wage Act Class, but not the FLSA Class, you must complete and return the **CLAIM FORM** with only **SECTION II** completed.

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5. What if I Choose to Exclude Myself From or “Opt-Out” of the Settlement?

MASSACHUSETTS WAGE ACT CLAIMS: You have the right to exclude yourself (i.e., “opt-out”) of the Class, in which case you will not be eligible to receive any compensation. To do so, you must send a written request that provides your name, address, and telephone number. This request must be sent to Class Counsel at the address provided in **Question 8**, below. Your request must be postmarked no later than **August 1, 2015**. If you timely submit a request for exclusion, you will not be eligible to participate in this lawsuit, you will not receive any compensation, and you will be free to take any action on your own against GL Advisor should you so choose. If you want to participate in the FLSA Class but not the Massachusetts Wage Act Class, you must send in a fully completed **CLAIM FORM** to participate in the FLSA Class, and also send in a request to opt-out of the Massachusetts Wage Act Class.

FAIR LABOR STANDARDS ACT CLAIMS: You will exclude yourself from the FLSA Class if you do not return a completed **CLAIM FORM**, or if you return a **CLAIM FORM** without checking the box in **SECTION I**. However, if you are a Massachusetts based employee and you do not send in a **CLAIM FORM**, you will still be a member of the Massachusetts Wage Act Class, unless you send in a request to opt-out of that Class, as instructed above.

6. Release of Claims.

MASSACHUSETTS WAGE ACT CLAIMS: Unless you opt-out of the Class (see **Question 5**, above), you will forever be bound by any ruling, judgment, award, or settlement ordered and approved by the Court, whether favorable or unfavorable. You will be prevented from filing your own lawsuit against GL Advisor under the Massachusetts Wage Act.

FAIR LABOR STANDARDS ACT CLAIMS: If you provide your consent to join this lawsuit by submitting a **CLAIM FORM**, you will similarly be bound by any ruling, judgment, award, or settlement ordered and approved by the Court, whether favorable or unfavorable, as it relates to the FLSA claims. However, if you do not submit a **CLAIM FORM** you will not be bound by any ruling, judgment, award, or settlement ordered and/or approved by the Court on these FLSA claims.

7. How Will The Attorney For The Class (i.e., Class Counsel) Be Paid?

The Court has appointed Class Counsel to represent the interests of both the FLSA and the Massachusetts Wage Act Classes. Class Counsel will ask the Court to enter an award of attorney’s fees and expenses to fairly compensate Class Counsel for the time and effort expended in this action. Class Counsel will request that the Court award attorneys’ fees equal to one-third of the judgment entered on behalf of both the FLSA and the Massachusetts Wage Act Classes. He will also ask that the Court reimburse all expenses and litigation costs incurred in bringing this lawsuit. Class counsel will file a petition for attorney’s fees; however, the actual amount awarded will be determined by the Court to ensure that the amount of attorney’s fees and costs is fair and reasonable. You also have the right to retain an attorney of your own choosing and at your own cost. Class Counsel will also request that an incentive award be paid to the Class Representative, Jennifer Jalbert, to compensate her for her time and effort expended in this action, and for her public service duty to the Class. The requested incentive award will not exceed \$5,000.00 and shall be in addition to any compensation she is entitled to receive as a member of the Class.

8. Who Is The Attorney Representing The Interests Of The Class (i.e., Class Counsel)?

Joshua N. Garick, Esq.

LAW OFFICES OF JOSHUA N. GARICK, P.C.

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You may contact Attorney Garick if you have any additional questions about this Notice or your legal rights. **Please do not contact the Court directly about this matter. The Court cannot provide you with legal advice or any opinions.**

Dated: May 26, 2015

BY ORDER OF THE COURT:

HONORABLE NATHANIEL M. GORTON
UNITED STATES DISTRICT COURT