

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RONIS E. MENDOZA PEREZ, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No.: 1:22-cv-00023 (CKK)
	:	
ANCHOR CONSTRUCTION CORP., <i>et al.</i>	:	
	:	
Defendants.	:	

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

1. What is this notice about?

This court-authorized notice is to inform you that a class action and collective action lawsuit is pending that involves workers who were employed by Anchor Construction Corp. and/or Florentino Gregorio (“Defendants”), and that a proposed settlement has been reached in this lawsuit. Specifically, the lawsuit involves all non-exempt employees who worked more than a month for Defendants between August 30, 2016 and June 14, 2023. This notice explains what the lawsuit is about, the terms of the proposed settlement, and your legal rights and options.

2. What is the lawsuit about?

Plaintiffs Ronis E. Mendoza Perez, Albert E. Tapia, Carlos Lima Jr., Jose Abel Alvarado Sanchez, Juan F. Rubio, Jose Elvarado, Jeffrey Paz Garcia, German Guardado, Noe Paz Salinas, Narciso Ramirez, Elias Requeno, Efrain Marcia Portillo, and Jose Antonio Coreas (“Class Representatives”) worked for Defendants for various periods between August 30, 2016 and June 14, 2023. They have sued the Defendants, claiming, *inter alia*, that Defendants did not properly pay them for their overtime hours, did not properly pay them for time spent between traveling from Defendants’ yard to and from various job sites, and did not properly pay them for time spent related to inclement weather. The Plaintiffs allege that Defendants violated the District of Columbia Minimum Wage Act Revision Act (“DCMWA”), the District of Columbia Wage Payment and Collection Law (“DCWPCL”), and the Fair Labor Standards Act (“FLSA”). Plaintiffs have brought their DCMWA claims and their DCWPCL claims as a “class action,” and have brought their FLSA claim as a “collective action.” In both the collective action and the class action, Plaintiffs are seeking, on behalf of all similarly situated individuals, back straight and overtime pay, liquidated damages, and their attorneys’ fees and costs

3. What is a “class action” lawsuit?

Plaintiffs bring their DCMWA claims, DCWPCL claims, and FLSA claims as a class action on behalf of themselves and all potential class members. In a class action, one court resolves the issues for all class members, except those who exclude themselves from the class. The potential class members in this case are: all non-exempt employees who worked more than a month for Defendants between August 30, 2016 and June 14, 2023. Ronis E. Mendoza Perez, Albert E. Tapia, Carlos Lima Jr., Jose Abel Alvarado Sanchez, Juan F. Rubio, Jose Elvarado, Jeffrey Paz Garcia, German Guardado, Noe Paz Salinas, Narciso Ramirez, Elias Requeno, Efrain Marcia Portillo, and Jose Antonio Coreas are the “Class Representatives” for this group.

4. Has the Court decided who is right or wrong in the lawsuit?

The Court has not made any rulings as to whether the Plaintiffs or Defendants are correct. Nothing in this notice should be understood to be a statement about who the Court believes is right or may be right. Defendants deny Plaintiffs’ allegations and maintain, among other things, that they properly paid their non-exempt employees, and that any failure to properly pay such employees was the result of an accounting error that they made in the course of their good faith efforts to comply with applicable law.

5. Why did I get this notice?

You received this notice because lawyers for Plaintiffs or Defendants have information that indicates you were a non-exempt employee who worked more than a month for defendants between August 30, 2016 and June 14, 2023.

6. Do I have a lawyer in this case?

The Court has appointed the following attorneys as “Class Counsel” to represent you and other class members:

Geoffrey M. Bohn, Esq.
Robert A. Battey, Esq.
BOHN & BATTEY, PLC
P.O. Box 101685
Arlington, VA 22210
Fax: (703) 842-8089
Email: gbohn@bohn-battey.com
Email: r_battey@yahoo.com

You do not have to pay Class Counsel. If you want to be represented by your own lawyer and have that lawyer appear in court for you in this case, you may hire one at your own expense.

7. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or the Defendants. Instead, after extensive informal discovery and negotiations, both sides agreed to settle. That way, they would avoid the risks and costs of a trial — and possibly years of appeals. Also, the affected employees would receive compensation in the near future. The Class Representatives and Class Counsel think that the settlement is best for all potential class members.

8. How do I know if I am a part of the settlement?

If you received this notice in the mail, you have already been identified as a potential class member. If you do not exclude yourself from the class as described below, you will be a part of the settlement.

9. How much will I receive under the settlement?

If you do not exclude yourself from the class as described below, you will receive the following amount: \$1,838.00.

You will be bound by these calculations unless you do not cash the settlement check you receive.

As part of the settlement, Class Counsel will receive 40% of the settlement amount in attorneys' fees and their reasonable costs. This is only a portion of the attorneys' fees and costs spent pursuing the claims raised in this lawsuit, if fees were awarded at a rate of eight times the lodestar calculation. Defendants are making this payment directly to Class Counsel; it does not come out of your share of the settlement amount.

As part of the settlement, the Class Representatives will each receive an additional payment of approximately \$18,000.00 for their efforts in initiating and pursuing this lawsuit. Defendants are making these payments directly to the Class Representatives; they do not come out of your share of the settlement amount.

10. When will I receive the settlement amount?

Payments will be made in five annual installments commencing approximately one year after the Court approves the settlement agreement.

11. What are the decisions that I need to make?

You need to decide if you want to participate in this lawsuit. **If you want to participate in the class action described above and receive the payment indicated above, you do not need to do anything.**

12. How do I exclude myself from the lawsuit and settlement.

If you **do not** wish to participate in this lawsuit, you must send a letter by mail to Class Counsel saying that you want to be excluded from *Mendoza Perez, et al. v. Anchor Construction Co., et. al.*, Case No.: 1:22-cv-00023 (CKK). Be sure to include your full legal name, address, signature, and the date of your request. You must mail your request for exclusion so that it is received no later than 40 days after the Court has preliminarily approved the settlement, or **October 2, 2023**. After Class Counsel receives your letter, they will inform the Court and Defendants of your request for exclusion. If you do not exclude yourself, you will be a part of the class action in this lawsuit, and you will participate in and be bound by the settlement.

13. If I do not exclude myself, can I sue Defendant for the same thing later?

No. Unless you exclude yourself from the class action you give up any claim you have against the Defendants for unpaid minimum or overtime wages that you earned between August 30, 2016 and June 14, 2023.

14. What if I want to be a part of this lawsuit, but I object to the terms of the settlement?

You can comment on the settlement if you do not like it. The Court will consider your views. To comment on the settlement, you must file a written objection with the Clerk of the United States District Court for the District of Columbia; 333 Constitution Avenue Northwest; Washington, DC 20001. You must also mail a copy of your objection to Class Counsel and Counsel for the Defendants. The address of Class Counsel is above. The address of Counsel for the Defendants is: William H. White Jr., Esq.; Andrew S. Bassan, Esq.; KIERNAN TREBACH LLP, 1233 20th Street, N.W., Eighth Floor, Washington, D.C. 20036.

You must file this objection no later than **October 2, 2023**. Be sure to include the case name and number (*Mendoza Perez, et al. v. Anchor Construction Co., et. al.*, Case No.: 1:22-cv-00023 (CKK)), your full legal name, address, telephone number, your signature, the specific reasons why you object to the settlement, and any legal or evidentiary support you wish to bring to the Court's attention.

If you file your objection later than **October 2, 2023**, it may not be considered.

15. What is the difference between objecting and asking to be excluded?

Objecting to the settlement is telling the Court that you do not like something about the settlement. You can only object if you do not exclude yourself from the class action. Excluding yourself is telling the Court that you do not want to be a part of this lawsuit or the settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

16. Will I still receive a payment from the settlement if I object?

Yes. If you submit a timely and valid objection to the settlement, the Court will consider your objection. If the settlement is approved despite your objection, you will be given the settlement amount that applies to you.

17. If I exclude myself, can I get a payment from the settlement?

No. If you exclude yourself, you will not receive money under this settlement.

18. When and where will the Court decide if it will approve the settlement?

The Court has scheduled a fairness hearing at 11:00 am on November 3, 2023 at the United States Courthouse for the District of Columbia; 333 Constitution Avenue Northwest; Washington, DC 20001; via Zoom videoconference. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are valid and timely objections, the Court will consider them. At or after the hearing, the Court will decide whether to approve the settlement. We do not know how long this decision will take.

19. Do I have to come to the hearing?

No. Class counsel will answer any questions the Court may have on behalf of the class members and collective action members. If you want to attend, you are welcome to come at your own expense. If you file a valid and timely objection to the settlement, you are not required to come to Court to defend your objection. As long as you file your written objection on time and mail a copy to Class Counsel and Counsel for the Defendants, the Court will consider it. You may also pay your own lawyer to attend the hearing, but that is not necessary.

20. What should I do if my address changes after I receive this notice?

Without a current address, you may not receive the settlement payment to which you may be entitled. Please send a notice of your new address to Class Counsel at the address in No. 7 above.

21. Who can I contact if I want further information?

If you have questions about the settlement or need help understanding this Notice, you may contact Class Counsel at the number or email address set forth above. **DO NOT CALL THE COURT OR THE CLERK OF THE COURT.**

22. Registering with the Claims Administrator

Settlement Services, Inc. has been retained as the Claims Administrator in this matter to issue notice(s) and send settlement payments. To register with the Claims Administrator to ensure that you receive your settlement payment, visit the following website and follow the instructions to register: www.utilitiesconstructionsettlement.com

The Claims administrator's contact information is:

Anchor Construction Claims Administrator
c/o Settlement Services, Inc.
PO Box 10269
Tallahassee, FL 32302-2269
Email: claims@ssicclaims.com
Phone: (888) 224-1189
Website: www.utilitiesconstructionsettlement.com

WHAT IF I DO NOTHING IN RESPONSE TO THIS NOTICE?

You have the right to do nothing. **If you do nothing, you will be part of the class action lawsuit and settlement, and will receive a payment according to the chart above. You will give up all claims that could be resolved by this settlement.**