

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY PENNSYLVANIA**

David Atis v. Freedom Mortgage Corporation, et al.

Case No.: 1:15-cv-03424-RBK-JS

IMPORTANT NOTIFICATION TO CLASS MEMBERS

Please read carefully. Your legal rights may be affected.

TO: All persons who are or were employed by Freedom Mortgage Corporation as an Assistant Vice President of Sales in any of its New Jersey offices on or after May 15, 2013, classified as exempt, and not paid overtime compensation for each hour worked beyond forty (40) in a workweek.

RE: LAWSUIT BY HOURLY EMPLOYEES ASSERTING VIOLATIONS OF FEDERAL AND STATE WAGE LAWS AGAINST FREEDOM MORTGAGE

- **Your legal rights may be affected whether you act or don't act.** Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
Submit a Consent Form	By submitting a consent form, you will be electing to join the lawsuit as a collective action member and you may be entitled to recover damages under federal law if Plaintiff prevails on his federal claims. You will also remain a class member under state law and may be entitled to recover damages under state law if Plaintiff prevails on his state claims. Federal law may provide a larger recovery than under state law, and hence, by submitting a Consent Form, you may be eligible to receive a larger amount of compensation should Plaintiff prevail.
Do Nothing	By doing nothing, you will remain in the Lawsuit as a class action member under state law and you may be entitled to recover damages under state law if Plaintiff prevails on his state law claims, but by not submitting a Consent Form you will not be entitled to recover any additional damages that may be available only under federal law if Plaintiff prevails on his claims under federal law.
Request Exclusion	By excluding yourself, you will not participate in this lawsuit and will not be bound by, nor will you receive any compensation from, any monetary judgment or monetary settlement. You will retain the right to bring an individual lawsuit for damages regarding the claims alleged in this lawsuit. However, your rights may still be affected by any class-wide order for non-monetary relief that is entered by the Court.

These rights and options – and the deadlines to exercise them – are explained in this notice.

THIS IS **NOT** AN ADVERTISEMENT.

I. INTRODUCTION.

This Notice is being sent to you as authorized and permitted by the United States District Court for the District of New Jersey. The purpose of this Notice is: (1) to inform you of the existence of a class and collective action lawsuit filed against Freedom Mortgage; (2) to advise you of how your rights may be affected by this lawsuit; and (3) to instruct you on the procedure for joining or excluding yourself from this lawsuit, if you wish to do so. You have been sent this notice because Freedom Mortgage's employment records indicate that you may be an eligible class member.

Freedom Mortgage denies the allegations in this lawsuit.

II. DESCRIPTION OF THE LAWSUIT.

An Assistant Vice President of Sales ("AVP") of Freedom Mortgage, David Atis (hereinafter "Representative Plaintiff"), brought this lawsuit against Freedom Mortgage on behalf of himself and all current or former AVPs who were classified as exempt employees and worked over forty (40) hours in a workweek at Freedom Mortgage at any point from May 15, 2013 to the present. The Representative Plaintiff contends that Freedom Mortgage misclassified all AVPs as exempt employees and failed to pay overtime compensation to the misclassified AVPs. As a result, the Representative Plaintiff contends that he and other AVPs were regularly paid less overtime wages than were actually owed to them in violation of federal and state wage and hour laws.

Plaintiffs' state law claims in this lawsuit are limited to a two-year statute of limitations. Plaintiffs' federal claims are limited to a two-year statute of limitations or a three-year statute of limitations if Freedom Mortgage's conduct is determined to be willful. If you choose to remain in this lawsuit, and Plaintiffs prevail on their claims, you will only be eligible to recover for damages incurred between May 15, 2013 and the present. The Representative Plaintiff has sued Freedom Mortgage to recover all wages due on behalf of the entire class. The Representative Plaintiff is also seeking liquidated damages, attorney fees, and costs.

III. YOUR RIGHTS AS A CLASS MEMBER.

A. WHO IS IN THE CLASS? The Class consists of: all current and former AVPs of Freedom Mortgage who were classified as exempt employees and who worked over forty (40) hours in a workweek at Freedom Mortgage in at least one workweek from May 15, 2013 to the present.

B. WHO REPRESENTS THE CLASS? The certified Class Representative is Plaintiff David Atis. Joshua S. Boyette, Esq., Daniel A. Horowitz, Esq. of Swartz Swidler, LLC, 1101 Kings Hwy N., Ste. 402, Cherry Hill, NJ 08034 are certified class counsel. These attorneys will represent you as part of the class unless you choose to hire your own attorney or choose to represent yourself.

C. WHAT ARE MY OPTIONS?

1. File a Consent Form

If you wish seek damages under both federal and state law, you must complete the enclosed “Consent to Join Lawsuit” Form (“Consent Form”). You may return the Consent Form via mail in the pre-stamped and self-addressed envelope. Alternatively, you may also join the lawsuit by completing the enclosed Consent Form and faxing it to (856) 685-7417; emailing a completed Consent Form to dhowitz@swartz-legal.com; or by completing the Consent Form online at www.freedomlawsuit.com. If you wish to submit a consent form it must be submitted (or placed in the mail) no later than June 11, 2017. You are not required to file a Consent Form to participate in this action. Unless you request exclusion, you will remain a class member in this litigation, you will be bound by the judgment of the court, and you may be entitled to recover damages under state law if Plaintiffs succeed on their state law claims. However, you will not be eligible to recover damages under federal law unless you complete and return a Consent Form. Under federal law, you may be entitled to additional damages that are not recoverable under state law. If you join this lawsuit, you may be required to participate in the discovery process by giving deposition testimony, answering written questions, or providing documents. To the extent required to participate in discovery, you will be represented by Counsel without personal charges to you.

2. **Do Nothing**

If you do nothing, you will remain a class member in this litigation and you may be eligible to recover damages under state law if Plaintiffs prevail on their state law claims. You will lose the right to bring an individual lawsuit against Freedom Mortgage for the claims asserted in this lawsuit. You will also not be eligible to recover additional damages that are only recoverable under federal law.

3. **Request Exclusion**

If you wish to exclude yourself from this lawsuit, you must submit a request for exclusion by mailing a written request to be excluded, or “opt-out,” and returning it in the enclosed pre-stamped, self-addressed envelope. Your request need only state your name, address and that you wish to be excluded from the lawsuit. In the alternative, you may request exclusion by faxing a request to (856) 685-7417 or emailing a request to dhowitz@swartz-legal.com. By excluding yourself from the litigation, you will not participate in this lawsuit and will not be bound by, nor will you receive any compensation from, any monetary judgment or monetary settlement. You may still be bound by certain orders for non-monetary relief if Plaintiff prevails on his request for non-monetary relief. However, you will retain the right to pursue an individual claim for money damages. The law imposes time limits on the date by which you must pursue an individual claim if you wish to do so. This lawsuit will not stop all of those deadlines from running so you should consult with an attorney if you wish to pursue a claim on your own.

IV. NO RETALIATION PERMITTED

You will not be retaliated against for participating in this lawsuit. Under federal and state law, it is illegal Freedom Mortgage to terminate you or to retaliate against you in any way for joining this lawsuit.

V. NO OPINIONS EXPRESSED AS TO THE MERITS OF THE CASE

This Notice is for the sole purpose of informing you of your rights as a member of the Class. The Court has expressed no opinion regarding the merits of Plaintiffs' claims or Freedom Mortgage's defenses, and individual claims may be subject to later dismissal if the Court ultimately finds that the claims lack merit or that they cannot be litigated on a class-wide basis.

VI. QUESTIONS REGARDING THIS NOTICE

If you have any questions regarding this notice, you can contact Joshua S. Boyette, Esq. and Daniel A. Horowitz, Esq. of Swartz Swidler, LLC, the certified Class Counsel in this matter. Their phone numbers are listed below. You can also receive more information regarding this notice and the lawsuit at [Swartz Swidler Website]. **You should not contact the Court.**

VII. LEGAL COUNSEL

If you choose to join this case by filing a Consent Form, you will be agreeing to representation by the Representative Plaintiff's attorneys, identified below:

Joshua S. Boyette, Esq.
Daniel A. Horowitz, Esq.
Swartz Swidler, LLC
1101 Kings Hwy N, Ste. 402
Cherry Hill, NJ 08034

Website: <http://www.swartz-legal.com>
Phone: (856) 685-7420
Fax: (856) 685-7417
Toll Free: (877) 829-9501
E-mail: dhorowitz@swartz-legal.com

The certified Class Counsel have taken this case on a contingency fee. They may be entitled to receive attorneys' fees and costs from Freedom Mortgage should there be a recovery or judgment in favor of the Class. If there is a recovery, the certified Class Counsel will receive a part of any settlement obtained or money judgment entered in favor of all members of the class or their fees will be paid separately by Freedom Mortgage. If there is no recovery or judgment in the Class's favor, the certified Class Counsel will not seek any attorney's fees or costs from any of the members of the Class.