

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

EDWARD MARTIN v. PHH MORTGAGE CORPORATION

Case No. 22-cv-06925

IMPORTANT NOTIFICATION TO POTENTIAL COLLECTIVE MEMBERS

Please read carefully. Your legal rights may be affected.

THIS IS NOT AN ADVERTISEMENT.

THIS IS A LEGAL NOTICE MAILED PURSUANT TO A FEDERAL COURT ORDER.

TO: Any individuals who worked for PHH Mortgage Corporation (“PHH”) as a mortgage loan officer or in positions with similar duties at any time from January 18, 2020 to January 1, 2023.

RE: YOUR RIGHT TO JOIN A LAWSUIT ALLEGING THAT PHH FAILED TO PAY PROPER OVERTIME WAGES.

RESPONSE DUE: **March 18, 2024**

- **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 party plaintiff. Your claims will be adjudicated in the lawsuit. You will be bound by any settlement or judgment, whether favorable or unfavorable. Should the Plaintiffs prevail or settle, you may be entitled to compensation. Should the Plaintiffs lose, you will not receive compensation and your claims will be extinguished. The only way to participate in this action is to submit a consent form, which may be completed online at www.MortgageLoanEmployeeFLSA.com or by mail using the form and envelope enclosed with this notice.
Do Nothing	By doing nothing, you will be electing <u>not</u> to join the lawsuit as a party plaintiff. You will <u>not</u> be bound by any judgment or settlement in this lawsuit reached on the FLSA claims. This means that if the Plaintiffs win or settle their FLSA claims, you will <u>not</u> be eligible to share in the monetary award for those claims; if the Plaintiffs lose, you will <u>not</u> be bound by that judgment.

I. INTRODUCTION.

This Notice is being sent to you by Order and under supervision of 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 collective action lawsuit filed against PHH; (2) to advise you of how your rights may be affected by this lawsuit should you decide to join the lawsuit; and (3) to instruct you on the procedure for joining this lawsuit should you decide to join the lawsuit. You have been sent this notice because PHH's employment records indicate that you may be an eligible collective action member.

II. DESCRIPTION OF THE LAWSUIT.

Edward Martin (the "Representative Plaintiff"), filed suit against PHH individually and on behalf of individuals who worked for PHH in the United States as mortgage loan officers or in positions with similar duties ("Mortgage Loan Employees") at any time from January 18, 2020 to January 1, 2023. The Representative Plaintiff contends that PHH failed to pay all owed overtime wages to employees by failing to include all nondiscretionary compensation, including commissions, in its calculation of the overtime rate. The Representative Plaintiff contends this practice violated the Fair Labor Standards Act ("FLSA"), a federal law. The Representative Plaintiff has sued PHH to recover all wages due on behalf of all Mortgage Loan Employees who were employed during the statute of limitations period. The Representative Plaintiff is also seeking liquidated damages (double damages), attorneys' fees, and costs.

PHH denies the allegations in the lawsuit and contends it paid employees everything they are owed under federal applicable law. PHH further disputes that this lawsuit should be treated as a collective action.

If you join this litigation, and the Mortgage Loan Employees prevail on their claims, you may be eligible to recover only damages you incurred during the statute of limitations under the FLSA, if any, which will be based upon the date you file your Consent Form.

III. HOW TO JOIN THIS LAWSUIT.

You may join this lawsuit as a party plaintiff by completing an online form at **www.MortgageLoanEmployeeFLSA.com**. In the alternative, you may complete the enclosed Consent Form and return it by mailing it in the enclosed, pre-stamped and self-addressed envelope, faxing it to (714) 824-8591 or emailing it to **CaseSupport@simpluris.com**.

IV. EFFECT OF JOINING OR NOT JOINING THIS LAWSUIT

If you join the lawsuit, you will receive money if Plaintiffs are successful or a settlement is reached that provides money to class members. You will be bound by any judgment of the Court, whether it is favorable or unfavorable to you. You will also be bound by any settlement agreement that may be reached and approved by the Court. Your decision to join the lawsuit is no guarantee that you will recover any money from PHH.

If you do not file a Consent Form to join the collective action, you will be choosing not to join this lawsuit. Consequently, you will not be bound by any judgment or settlement reached in this lawsuit on the FLSA claims. This means that if the Plaintiffs win or settle their FLSA claims, you will not be eligible to share in the monetary award for those claims; if the Plaintiffs lose, you will not be bound by that judgment. If you so choose, you may pursue your claim on your own. If you do not want to pursue your rights under the FLSA, you are not required to take any action at all.

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

This Notice is for the sole purpose of determining the identity of those persons who may be entitled to and wish to participate in this lawsuit. The Court has expressed no opinion regarding the merits of the Representative Plaintiff's claims or PHH's defenses, and 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. or Matthew D. Miller, Esq. of Swartz Swidler, LLC, the attorneys representing the Plaintiffs. Their firm's phone number is listed below. You can also receive more information regarding this notice and the lawsuit at **www.MortgageLoanEmployeeFLSA.com**. **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 Plaintiff's attorneys, identified below:

Joshua S. Boyette, Esq.
Matthew D. Miller, Esq.
Swartz Swidler, LLC
9 Tanner Street, Suite 101
Haddonfield, NJ 08033

Website: <http://www.swartz-legal.com>
Phone: (856) 685-7420
Fax: (856) 685-7417
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Plaintiff's attorneys have taken this case on a contingency fee. They may be entitled to receive attorneys' fees and costs from PHH should there be a recovery or judgment in favor of the Plaintiffs. If there is a recovery, Plaintiff's attorneys will apply to receive 1/3 of any settlement obtained or money judgment entered in favor of all members of the class. If there is no recovery or judgment in Plaintiff's favor, Plaintiff's attorneys will not seek any attorneys' fees or costs from anyone.