

If you worked in California for MMI Services, Inc., a class action lawsuit may affect your rights.

A court authorized this notice. This is not a solicitation from a lawyer.

- Former employees have sued MMI Services, Inc. ("MMI"), alleging violations of California's wage and hour laws.
The Court has allowed the lawsuit to be a class action on behalf of current and former California-based hourly-paid or non-exempt field employees of MMI at any time during the time period from July 22, 2010 to February 11, 2019.
The Court has not decided whether MMI did anything wrong, nor has it expressed any opinion as to the merit of the claims. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

Table with 2 columns: Option and Description. Options include 'DO NOTHING' (Stay in this lawsuit. Await the outcome. Give up certain rights.) and 'ASK TO BE EXCLUDED' (Get out of this lawsuit. Get no benefits from it if any become available. Keep your rights.)

- Your options are explained in this notice. To ask to be excluded, you must act before June 18, 2019.
Lawyers must prove the claims against MMI. If money or benefits are obtained from MMI, you will be notified about how to ask for a share.
Any questions? Read on and visit www.MMIClassAction.com

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BASIC INFORMATION

1. Why did I get this notice?

Records show that you currently work, or previously worked, for MMI in California. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against MMI are correct. Judge David R. Lampe of the California Superior Court for the County of Kern is overseeing this class action. The lawsuit is known as *Anthony Nuncio et al. v. MMI Services, Inc.*, Case No. S-1500-CV-282534.

2. What is this lawsuit about?

This lawsuit alleges that MMI failed to include non-discretionary bonuses in the regular rate of pay for purposes of calculating overtime, resulting in an underpayment of overtime wages. The lawsuit also alleges MMI failed to reimburse necessary work-related expenses for the purchase of steel-toed boots. Finally, the lawsuit alleges derivative claims for waiting time penalties on behalf of the Class Members against MMI.

MMI denies each of these claims. The court has not yet decided who is right nor expressed any opinion to that effect.

You can read the Plaintiffs’ Second Amended Class Action Complaint For Damages at www.MMIClassAction.com.

The Court has denied class certification with respect to Plaintiffs’ allegations that MMI failed to provide all meal periods and rest breaks, and failed to pay all minimum and overtime wages for pre- and post-shift work performed off-the-clock, time spent travelling to and from mandatory company trainings, work performed during meal periods, and failed to provide compliant wage statements. Thus, claims for meal periods, rest breaks, and unpaid wages resulting from pre- and post-shift work performed off-the-clock, time spent travelling to and from mandatory company trainings, and work performed during meal periods, in addition to any penalties that are derivative of those claims, are not covered by this lawsuit.

3. How does MMI answer?

MMI denies that it did anything wrong and states that it paid all wages owed, reimbursed all necessary work-related expenses, and did not engage in any unfair business practices. MMI states that its policies and practices comply with California law and MMI has followed those laws.

You can read MMI’s Answer to Plaintiff’s Second Amended Class Action Complaint at www.MMIClassAction.com.

4. What is a class action and who is involved?

In a class action lawsuit, one or more people called Plaintiffs or Class Representatives (in this case, Anthony Nuncio and Kyle Peterson are the approved representatives) sue on behalf of other people who may have similar claims. The people together are a “Class” or “Class Members.” The company they sued (in this case MMI) is called the Defendant. The court resolves the issues that were allowed to proceed for the Class for everyone in the Class—except for those people who choose to exclude themselves from the Class.

5. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of the California Code of Civil Procedure section 382, which governs class actions in California courts.

6. Has the Court decided who is right?

The Court hasn’t decided whether MMI or Plaintiffs are correct. By certifying the Class and issuing this Notice, the Court is not suggesting that Plaintiffs will win or lose his case. Plaintiffs must prove their claims to the Court at a trial. The Court has not yet scheduled a trial date in this case.

7. What are the Plaintiffs asking for?

Plaintiffs are asking for unpaid overtime wages, reimbursements, statutory penalties, restitution, and interest and attorneys’ fees in accordance with California law.

Meal period premium wages, rest break premium wages, overtime and minimum wages for pre- and post-shift work performed off-the-clock, time spent travelling to and from mandatory company trainings, and work performed during meal periods, and any penalties that are derivative of those claims, are not covered by this lawsuit.

8. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether MMI did anything wrong. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

9. Am I part of this Class?

The Honorable David R. Lampe of the California Superior Court for the County of Kern certified the following Class: All current and former California-based hourly-paid or non-exempt field employees of MMI during the time period from July 22, 2010 to February 11, 2019 (the “Class Period”) are Class Members. The Court also certified Subclasses, in its Order, which is available at www.MMIClassAction.com.

Current and former California-based hourly-paid or non-exempt field employees are IN THE CLASS as long as they were employed by MMI at any time during the period from July 22, 2010 to February 11, 2019.

10. Are any employees of MMI not included in the Class?

If you do not fit within number 9 immediately above (“Am I part of this Class?”), you are NOT part of the class.

11. I’m still not sure if I am included.

If you are still not sure whether you are part of the Class, you can call or write to the lawyers in this case at the phone number or address listed at the end of this Notice.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this before June 18, 2019.

12. What happens if I do nothing at all?

By doing nothing you are staying in the Class. If you stay in and Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether Plaintiffs win or lose the trial, you give up the right to sue, or continue to sue, MMI—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit for the period that this lawsuit covers the Class. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

13. Why would I ask to be excluded?

You do not need to provide a reason if you wish to be excluded from the lawsuit. If you already have your own wage and hour lawsuit based on the same violations of the California Labor Code against MMI and want to continue with it, you need to ask to be excluded from the Class. Also, if you want to pursue recovery for the claims that were not certified by the Court, *i.e.*, failure to provide meal periods and rest breaks, failure to pay all minimum and overtime wages for pre- and post-shift work performed off-the-clock, time spent travelling to and from mandatory company trainings, and work performed during meal periods, and any penalties that are derivative of those claims, you must file your own lawsuit.

If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting out” of the Class—you won’t get any money or benefits from this lawsuit even if Plaintiff obtains them as a result of the trial or from any settlement (that may or may not be reached) between MMI and Plaintiffs. However, you may then be able to sue or continue to sue MMI for wage and hour violations of the California Labor Code that apply to you and that are available to you. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against MMI after you exclude yourself, the lawyers representing the Class in this case will not be representing you. If you want a lawyer to represent you, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against MMI, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

14. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” (also called an “Opt-Out Request”) in the form of a letter sent by mail, stating that you want to be excluded from *Nuncio v. MMI*. You must include your name and address and sign the letter. You must mail your Exclusion Request postmarked by **June 18, 2019**, to: *Nuncio v. MMI* Exclusions, P.O. Box 26170, Santa Ana, CA 92799. You may also submit an Exclusion Request form at the website, www.MMIClassAction.com, using your SIMID «SIMID» and last name.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court decided that the law firms of Justice Law Corporation of Pasadena, California and Lawyers *for* Justice, PC of Glendale, California, are qualified to represent you and all Class Members. Together the law firms are called “Class Counsel.” They are experienced in handling similar cases against other employers.

16. Should I get my own lawyer?

With respect to those claims that were certified by the Court, you do not need to hire your own lawyer because Class Counsel is working on your behalf if you do not exclude yourself from the Class. But if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

If there is a settlement or judgment of money or benefits for the Class, Class Counsel may ask the Court for fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by MMI to the Class Counsel.

THE TRIAL

The Court has not yet scheduled a trial to decide who is right in this case.

18. How and when will the Court decide who is right?

Unless the case is resolved by a settlement, decertified or otherwise resolved, Class Counsel will have to prove Plaintiffs’ claims at a trial. During the trial, a Jury and/or the Judge will hear all of the evidence – including testimony from class members – to help them reach a decision about whether Plaintiffs or MMI is right about the claims in the lawsuit. There is no guarantee that Plaintiffs will win, or that he will get any money or other benefits for the Class.

19. Do I have to come to the trial?

You do not need to attend the trial unless you are asked to do so by Class Counsel or MMI. Class Counsel will present the case for Plaintiffs, and MMI will present its defenses. Trials are public and anyone, including you, is welcome to come at their own expense.

20. Will I get money after the trial?

Maybe. If Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. If Plaintiffs do not obtain money or benefits on behalf of the class, you will get nothing. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

To obtain more information, please contact one of the attorneys representing the Class.

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You may also get more information by visiting www.MMIClassAction.com

Additionally, the pleadings and all other records from this litigation may be examined by visiting the office of the Clerk of the Court for the California Superior Court for the County of Kern, Metropolitan Division, located at 1415 Truxtun Avenue, Bakersfield, California 93301 during regular office hours.

PLEASE DO NOT CALL OR WRITE TO THE COURT. They will not be able to give you information about this case. If you have any questions about this Notice, contact the above-named attorneys. However, you do not need to contact the above-named attorneys to remain a member of the Class as by doing nothing in response to this letter you will remain a member of the Class.