

Notice of Pending Collective Action

To: All individuals employed as Membership Advisor by Edge Fitness, LLC in the State of Connecticut from September 15, 2014 to the present.

This Notice is authorized by the United States District Court for the District of Connecticut. It is not an endorsement of any parties or claims in this suit. Rather, the purpose of this notice is to timely inform potential opt-in parties of their right to join this suit so that the case may proceed in an orderly and efficient manner.

Why am I receiving this Notice?

A collective action lawsuit was filed against Edge Fitness, LLC on September 15, 2017, by a Membership Advisor of Edge Fitness, LLC on behalf of herself and all present and former Membership Advisors in Connecticut from September 15, 2014, until the conclusion of this case.

You are receiving this notice because you worked for Edge Fitness as a Membership Advisor sometime after September 15, 2014. As a current or former Membership Advisor, you are a potential member of this class action suit and may be owed additional wages for the reasons discussed below.

What is this case about?

Plaintiff Melissa McArthur, a Membership Advisor working at Edge Fitness, filed this lawsuit under the Fair Labor Standards Act (“FLSA”) on September 15, 2017, in the United States District Court for the District of Connecticut in New Haven (“the Court”). Among other things, the FLSA controls how employers, such as Edge Fitness, are supposed to pay their employees. Plaintiff claims that Edge Fitness broke this law in the following ways:

- 1: Federal law requires that employers pay employees overtime wage rates (time and a half) when they work over forty hours in a workweek;
- 2: From September 15, 2014 to November 24, 2016, Edge Fitness allegedly failed to pay overtime by misclassifying Membership Advisors as “salaried” and exempt from overtime when they were not;
- 3: Edge Fitness changed its policy beginning November 25, 2016. Edge Fitness started paying overtime when their Membership Advisors worked over forty hours per week; but
- 4: Edge Fitness did not pay previously earned overtime to its Membership Advisors; and
- 5: After Edge Fitness started paying hourly wages and overtime to Membership Advisors, Edge Fitness under-calculated the overtime owed by excluding commissions from the overtime wage rates.

Plaintiff has brought this case on behalf of all Membership Advisors who worked for Edge Fitness from September 15, 2014 through the present. Cases such as this, when brought under the FLSA are called “collective actions.” Collective actions are like class actions, in that the similar claims of multiple people are combined into a single lawsuit filed against a common defendant. In a collective action, you can join the lawsuit after it was filed, even though you yourself did not start the case. To join a collective action, you need to complete a consent form stating that you want to join the lawsuit.

Edge Fitness denies any wrongdoing or liability in this case. Edge Fitness contests all the claims that have been asserted in this lawsuit and asserts that all its Membership Advisors were paid in accordance with the law, and that no Membership Advisor is entitled to any extra wages.

Can I join this lawsuit?

Yes, if you worked as a Membership Advisor at Edge Fitness in the State of Connecticut any time after September 15, 2014, you are a possible member of this lawsuit and may join.

What is this lawsuit seeking to recover?

This lawsuit claims that Edge Fitness unlawfully withheld overtime wages from every Membership Advisor from September 15, 2014 until the present. This lawsuit seeks to recover, for every Membership Advisor who joins this lawsuit, the full overtime wage for every hour they worked from September 15, 2014 until the present.

How do I join this lawsuit?

If you want to join this lawsuit, you need to sign and date the attached Consent to Join Lawsuit form that is attached to this Notice.

It is important to know that the Court authorized this notice period to begin on **July 23, 2018**, and is giving Membership Advisors sixty (60) days to decide if they want to join this lawsuit and return their Consent to Join Lawsuit forms.

This means that you need to return your Consent to Join Lawsuit form to The Hayber Law Firm by **September 21, 2018**, if you want to join this lawsuit.

There are several different ways you can return your signed Consent to Join Lawsuit form to The Hayber Law Firm, LLC:

By U.S. Mail: The envelope must be postmarked no later than **September 21, 2018**. You should send the Consent to Join Lawsuit form to:

Richard E. Hayber
The Hayber Law Firm, LLC
221 Main St., Suite 502
Hartford, CT 06106

By email: You may send your Consent to Join Lawsuit form to donna@hayberlawfirm.com by **September 21, 2018**.

By Fax: You may send your Consent to Join Lawsuit form to (860) 218-9555 by **September 21, 2018**.

DO NOT SEND YOUR CONSENT TO JOIN FORMS DIRECTLY TO THE COURT

What impact does completing the Consent to Join Lawsuit form have on me?

If you return the Consent to Join Lawsuit form attached to this notice you are giving plaintiff Melissa McArthur permission to make all decisions about this lawsuit on your behalf.

This means that Ms. McArthur will make the decisions about the method and manner of conducting this lawsuit, entering into an agreement with The Hayber Law Firm, LLC concerning attorneys' fees, and all other matters concerning the lawsuit, including whether to accept or reject any proposed settlement offers.

The decisions Ms. McArthur makes during this lawsuit will be binding on you if you choose to join. Also, you will be bound by the decision of the Court, whether favorable or unfavorable to the class of Membership Advisors.

Ms. McArthur's attorneys (Hayber Law Firm) are working on a contingency fee basis. This means that if there is no recovery (*i.e.*, if the Court rules against the Membership Advisors), there will be no attorney's fees. If the Membership Advisors succeed in this lawsuit, the attorneys will request that the Court either determine or approve the amount of attorney's fees and costs they are entitled to receive for their work.

What impact does joining the lawsuit have on me?

If you choose to join this lawsuit you are waiving any right to bring your own case against Edge Fitness for the same overtime violations Ms. McArthur is claiming in this case.

If you choose to join this lawsuit, you may be asked to:

- (1) provide written information in discovery concerning your employment with Edge Fitness;
- (2) give a deposition in this case; and
- (3) testify as a witness at hearings and/or trial.

Am I required to join this lawsuit?

No, you do not have to join this lawsuit. If you choose not to join this lawsuit, you are not bound by any decision or outcome of this case.

If you decide not to join this lawsuit, you may retain your own counsel, at your expense, and file a separate lawsuit against Edge Fitness if you believe it is warranted.

Can Edge Fitness retaliate against me for joining?

No. Edge Fitness cannot take *any* negative action against you for joining this lawsuit.

Where can I learn more?

If you want to learn more about this lawsuit, you can find more information at The Hayber Law Firm's website at this link:

<https://www.hayberlawfirm.com/employee-rights/pending-class-actions/edgeMembershipAdvisor-unpaid-wages-lawsuit/>.

You are free to contact The Hayber Law Firm by phone at 860-522-8888, and an attorney there will work to assist you.

You may also contact counsel for Edge Fitness using the following information:

Lead Counsel:	Daniel M. Schwartz
Mailing Address:	Shipman & Goodwin LLP One Constitution Plaza Hartford, CT 06103
Phone Number:	(860) 251-5038
Fax Number:	(860) 251-5216
Email Address:	dschwartz@goodwin.com