

NOTICE OF COLLECTIVE ACTION LAWSUIT

If you are or were an Assistant Manager employed by Round Robin Operations, LLC (a franchise doing business as “Red Robin”) at any time from September 30, 2016 to the present, you may wish to read this Notice

This Notice is authorized by the United States District Court for the District of Connecticut (“the Court”). It is not an endorsement of any claim or defense raised by the parties to the lawsuit. Rather, the purpose of this Notice is to inform you of the existence of a collective action lawsuit alleging unpaid overtime and of your right to join the lawsuit, if you so choose.

Plaintiff Matthew Allard, joined by another former Assistant Manager, has filed a lawsuit against Round Robin Operations, LLC; Round Robin, LLC; Round Robin of Corbins Corner, LLC; Round Robin of Enfield, LLC; Round Robin of Holyoke, LLC; Round Robin of Manchester, LLC; Round Robin of Milford, LLC; Round Robin of Millbury, LLC; Round Robin of Southington, LLC; Round Robin of Waterford, LLC; Round Robin of Wilbraham, LLC; and Richard Sheldon (collectively referred to as “Round Robin”), which collectively do business as “Red Robin.” In the lawsuit, Allard claims that Assistant Managers, or other similar but differently titled positions, should have been paid time-and-a-half overtime for all hours worked over 40 in a week.

You are receiving this Notice because sometime after September 30, 2016, you worked for Round Robin as an Assistant Manager or as a similar, but differently titled, salary-paid assistant manager below the level of Assistant General Manager and Kitchen Manager. As a current or former Assistant Manager, you are a potential member of this class action suit and may be owed additional wages for the reasons discussed below. You are eligible to join this lawsuit even if you or Round Robin did not keep track of the hours you worked, you were paid a salary, or you were told you were not eligible for overtime.

Your rights and options in this lawsuit, and the deadlines to exercise them, are explained in this Notice. A summary of these rights and options is provided in the table below.

JOIN THE LAWSUIT	To join the lawsuit, you must complete and return the enclosed “Consent to Join” form or submit the form online at [insert link] within 60 days.
DO NOTHING	You will not be part of the lawsuit and will not be bound by any judgment in the lawsuit whether it is favorable or unfavorable.

Matthew Allard, along with another former Assistant Manager, brought a lawsuit against Round Robin. The lawsuit alleges that Round Robin violated the federal Fair Labor Standards Act (“FLSA”) when it failed to pay Assistant Managers time-and-a-half overtime when they worked more than 40 hours in a week. Specifically, the lawsuit claims that, despite Round Robin’s expectation that the primary duty of Assistant Managers is to manage their location, Assistant Managers’ primary duties were non-office manual work more similar to the duties performed by hourly-paid employees. Those duties included job tasks such as prepping, working the line, dishwashing, expediting/food running, assisting at the bar, and other restaurant service work overlapping with and similar to the work that hourly-paid non-exempt employees perform.

Round Robin denies that it has violated the law and states that it has complied with the FLSA at all times in good faith. Specifically, Round Robin alleges that Assistant Managers’ primary duties were managerial in nature and that Assistant Managers were otherwise employed in a “bona fide executive capacity,” as that term is defined in 29 C.F.R. § 541.100. Bona fide executive employees are exempt from the FLSA’s overtime provisions.

If you join, Matthew Allard’s lawyers listed below will represent you and work with you to try to obtain any unpaid overtime wages you may be owed. This means that Mr. Allard will make the decisions on your behalf concerning the

method and manner of conducting the litigation; the negotiation, terms, and approval of any settlement; and all other matters pertaining to this lawsuit.

Mr. Allard's attorneys will be paid on a contingency fee basis. That means you will not have to pay the lawyers directly – win or lose. Instead, the attorneys will be paid a portion of any amount recovered from Round Robin by settlement or other payment, or as otherwise awarded by the Court.

If you do choose to join this lawsuit, you will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable. That means, if Plaintiffs win, you may be eligible to receive a payment. If Plaintiffs lose, you will receive no money, and you may not be able to file another lawsuit regarding the disputed overtime pay due to the running of the statute of limitations.

Plaintiffs are represented by:

Seth R. Lesser
Fran L. Rudich
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By returning the Consent Form, you will join this lawsuit and these attorneys will represent you.

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If you do not join, you will not be bound by any judgment issued by the Court in this case – whether it is favorable or unfavorable. You will not be entitled to obtain any money recovered in this lawsuit, if any, but you will have the right to bring your own claims in a separate lawsuit against Round Robin. However, if you do not join, the statute of limitations on your claim will continue to run and you may lose some or all of your rights if you do not act.

Enclosed is a Consent Form. If you want to participate in this lawsuit, it is extremely important that you submit your signed Consent Form by Friday, November 13, 2020.

For your convenience, you may electronically sign and submit the Consent Form directly online by accessing [insert signing link].

Or, you may submit your signed Consent Form in the enclosed prepaid envelope, or by fax, or by scanning and emailing it to the following within 60 days from date of Notice. This means your Consent must be postmarked (if mailed) or received (if faxed, scanned and emailed, or completed online) by Friday, November 13, 2020:

Bethany Hilbert
4422 N. Ravenswood Ave.
Chicago, IL 60640
Fax To: (404) 796-7338
Email To: bhilbert@headlawfirm.com
Phone: (312) 690-7765

Should you lose or misplace the enclosed Consent Form, if you need assistance with submitting your Consent Form, or if you have other questions, you may contact Plaintiffs' counsel at (914) 934-9200 or (312) 690-7765.

No. Federal law prohibits an employer from firing or in any way retaliating against you because you have joined this lawsuit.

Additional information can be obtained from Klafter Olsen & Lesser LLP and Head Law Firm LLC at the addresses and telephone numbers listed above. The court file in this case is Case No. 3:19-cv-01541-JAM.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.