

NOTICE OF PENDENCY OF COLLECTIVE ACTION LAWSUIT

TO: All drywall workers employed by Hutchins Drywall Inc. and Centennial Drywall Systems, Inc. in the period between September 22, 2003 and the present.

RE: Fair Labor Standards Act of 1938, As Amended, 29 U.S.C. § 201, *et seq.*

Introduction

The purpose of this Notice is to: 1) inform you of the existence of a lawsuit in which you are potentially “similarly situated” to the named Plaintiffs; 2) advise you of how your rights may be affected by this lawsuit; and 3) instruct you on the procedure for participating in this lawsuit. This Notice is not an expression by the Court of any opinion as to the merits of any claims or defenses asserted by any party to this action.

Description of the Lawsuit

In September 2006, Eduardo Artiaga, Francisco Flores, Tomas Nava, and Jorge Murgia (Plaintiffs) brought this lawsuit against Defendants Hutchins Drywall Inc., Mark R. Hutchins, Pulte Home Corp. and Centennial Drywall Systems, Inc. (Defendants) on behalf of themselves and all other past and present drywall workers employed by Hutchins Drywall, Inc. and Centennial Drywall Systems Inc. in the period of September 22, 2003 and the present. Specifically, Plaintiffs allege that they are owed pay at one and one-half times their regular rate for all hours over forty (40) per week in which they worked. Plaintiffs also seek as liquidated damages an amount equal to their unpaid compensation and attorneys’ fees and costs. The Defendants have denied any wrongdoing or liability and vigorously contest all claims that have been asserted.

Composition of the Class

The named Plaintiffs seek, under their FLSA claim, to sue on behalf of themselves and all other similarly situated drywall workers employed by Hutchins Drywall Inc. and Centennial Drywall Systems, Inc. in the period between September 22, 2003 and the present, and did not receive all overtime pay (time and one-half) for any hours they worked over forty (40) hours per week, or did not receive at least a minimum wage of \$5.15 an hour.

Your Right To Participate In The FLSA Portion Of This Suit

If you fit the definition above, you may join the FLSA portion of this suit by mailing the enclosed “Consent to Become Party Plaintiff” form to the Claims Administrator. The form should be signed and dated and returned to the Claims Administrator or in the enclosed envelope at the following address:

Artiaga v. Hutchins Drywall Claims Administrator
c/o Desmond, Marcello & Amster
P.O. Box 451999
Los Angeles, CA 90045
(310) 417-3904
(310) 216-0800 (fax)

The consent form must be sent to the Claims Administrator in sufficient time to have Plaintiffs’ counsel file it with the Federal Court on or before December 29, 2008. Either the English or Spanish version of the consent form may be filed. If you fail to return the consent form to the Claims Administrator in time for it to be filed with the Federal Court, you will not be able to participate in the FLSA portion of this lawsuit.

Please also complete the personal information sheet enclosed. Neither the consent form nor the information on the personal sheet will be disclosed or used for any purposes outside of this lawsuit. The information will be used to establish that you are similarly situated to the named Plaintiffs and ensure that Plaintiffs’ counsel is able to communicate with you regarding the status of the case.

Effect of Joining This Suit

If you choose to join in the suit, you will be bound by the decision of the court, whether it is favorable or unfavorable.

If you choose to join in the suit, you may be asked to: 1) appear for a deposition; 2) respond to written discovery; and/or 3) appear at a trial.

The attorneys for the class Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery there will be no attorneys' fees. If the Plaintiffs prevail in this litigation, the attorneys for the class will request that the Court either determine or approve the amount of attorneys' fees and costs they are entitled to receive for their services.

If you return the consent form attached to this Notice, you are agreeing to designate the class representatives as your agents to make decisions on your behalf concerning: 1) this lawsuit; 2) the method and manner of conducting this lawsuit; 3) the entering of an agreement with Plaintiffs' counsel concerning attorneys' fees and costs; and 4) all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by the representative Plaintiffs will be binding on you if you join this lawsuit. However, the Court has retained jurisdiction to determine the reasonableness of any settlement with the Defendants, and any agreement concerning the reasonableness of any attorneys' fees and costs that are to be paid to the Plaintiffs' counsel.

Legal Effect in Not Joining This Suit

If you choose not to join in this suit, you will not be affected by any judgment or settlement rendered in the FLSA portion of this lawsuit, whether favorable or unfavorable to the class. If you choose not to join in this lawsuit, you are free to file your own lawsuit under the FLSA, but you will then be responsible for all costs, including counsel fees, associated with your lawsuit.

Statute of Limitations

The Fair Labor Standards Act contains a limitations period of at least two years and potentially up to three years for the filing of a claim for unpaid overtime wages, after which the claim is forever barred. The statute of limitations on your claim for unpaid overtime wages will not stop running unless you elect to submit a Consent form and that form is filed with the Court. In the event that you decide not to file a Consent to Join in this Lawsuit, you should consult with your own attorney as to how the statute of limitations would apply to your claim.

Other Claims Pending

In addition to claims under the FLSA, Plaintiffs have also alleged violations of Nevada Revised Statutes concerning payment for hours worked. Joining or not joining the FLSA portion of this suit does not affect your ability to participate in the state law claims of this suit. Separate notification will be provided concerning the method and effect of participating in the state law claims. The information provided on the enclosed personal information sheet will be used to provide this separate notification.

No Retaliation Permitted

The Fair Labor Standards Act applies to all employees, regardless of their immigration status. All similarly situated employees of Hutchins Drywall Inc. and Centennial Drywall Systems, Inc. are entitled to participate in this lawsuit even if the employee's work status is undocumented. Federal Law prohibits the Defendants from discharging you or in any other manner discriminating against you because you have exercised your rights under the FLSA to seek compensation.

Your Legal Representative If You Join

If you choose to join this lawsuit and agree to be represented by the named Plaintiffs through their attorneys, your counsel in this action will be:

Alan Crowley and Ana M. Gallegos
Weinberg, Roger & Rosenfeld
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501

Further Information

Further information about this Notice, the deadline for filing a "Consent to Become A Party Plaintiff" or questions concerning this lawsuit may be obtained by writing, phoning or e-mailing Plaintiffs' counsel, Alan Crowley and Ana Gallegos, at:

Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501
Phone: (510) 337-1001
Fax: (510) 337-1023
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