

NOTICE OF PENDENCY OF FLSA LAWSUIT

From: KNAPP, PETERSEN & CLARKE; LAW OFFICES OF MICHAEL S. DUBERCHIN and ATTORNEY JOSHUA M. MERLISS

To: All current or former nonexempt employees of American Commercial Security Services, ABM Industries, Inc., ABM Security Services, or Security Services of America, who were or are employed as security guards and who, any time within three years of joining this action, worked more than forty hours in one work week and failed to receive overtime compensation at a rate not less than one and one-half times the regular rate at which he or she was employed.

Re: Collective action lawsuit against AMERICAN COMMERCIAL SECURITY SERVICES; ABM INDUSTRIES, INC., ABM SECURITY SERVICES and SECURITY SERVICES OF AMERICA under the Fair Labor Standards Act (FLSA)

The purpose of this Notice is to advise you of a lawsuit under the Fair Labor Standards Act that has been filed against AMERICAN COMMERCIAL SECURITY SERVICES; ABM INDUSTRIES, INC., ABM SECURITY SERVICES and SECURITY SERVICES OF AMERICA (“defendants”), and to advise you of the legal rights you have in connection with that suit.

1. DESCRIPTION OF THE LAWSUIT

JESS BATIZ and KEVIN HEINE (“plaintiffs”), former security guard employees of defendants, filed this lawsuit against defendants and moved the court for an order conditionally certifying a class of security guard employees by its motion dated August 14, 2007. Knapp, Petersen & Clarke, the Law Offices of Michael S. Duberchin and attorney Joshua M. Merliss represent the plaintiffs in the lawsuit.

The claims in the lawsuit are made under the Fair Labor Standards Act and allege primarily that defendants have suffered hourly security guards to work in excess of forty hours per week, and that such employees were then entitled to receive pay for overtime hours worked, but defendants have failed and refused to pay for overtime hours worked.

2. YOUR RIGHT TO MAKE A CLAIM IN THIS LAWSUIT

If at any time since August 14, 2004, you worked as an hourly employee as a security guard, for any of these defendants or their related companies or subsidiaries, and you believe you worked more than forty hours in one work week without being paid overtime (time and one-half), you have the right to assert a claim for overtime under the FLSA in this lawsuit.

To assert the FLSA claim, you must sign a written consent to be a “party-plaintiff” in the lawsuit. This form will be filed in the court. It is entirely your own voluntary decision whether or not to sign and file the consent. Please be advised that, if you do file the consent and thus make an FLSA claim, it is against the law for defendants or any of them to retaliate against you for doing so.

3. HOW TO MAKE A CLAIM IN THIS LAWSUIT

Attached to this Notice is a form entitled "Consent to Make a Claim in Lawsuit Under Fair Labor Standards Act (FLSA)." In order to make an FLSA claim in the lawsuit, fill out the form, sign it, and mail or otherwise deliver it to:

André E. Jardini, Esq.
Knapp, Petersen & Clarke
500 North Brand Boulevard
20th Floor
Glendale, CA 91203
Telephone: (818) 547-5000
Facsimile: (818) 547-5329

If you sign and mail the form, it will be filed with the court and you will become a "party-plaintiff." Thus, you will become a client of the above attorneys, who represent the plaintiffs in this lawsuit, and entitled to recovery of overtime pay if permitted by the court. Also enclosed is a form entitled "Client Information." It is to enable the attorneys to contact you. To furnish this information, fill out the form and mail it to the above address.

SHOULD YOU WISH TO MAKE A CLAIM, YOUR RESPONSE MUST BE POSTMARKED NO LATER THAN APRIL 1, 2008.

For your convenience, a self-addressed postage paid envelope is enclosed. If you have any questions with respect to this suit, you may call Mr. Jardini at (818) 547-5000.

4. THE LEGAL EFFECT OF FILING OR NOT FILING THE CONSENT FORM

If you do not file a consent form, you will not receive any money or other relief for FLSA overtime claims in the lawsuit. If you do file a consent form you will be bound by the judgment of the court on all FLSA issues in the case, win or lose.

5. ALTHOUGH THE COURT HAS APPROVED THE SENDING OF THIS NOTICE, THE COURT EXPRESSES NO OPINION ON THE MERITS OF THIS LAWSUIT

PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE

Dated: FEBRUARY 27, 2008

KNAPP, PETERSEN & CLARKE

By: André E. Jardini
Attorneys for Plaintiffs JESS BATIZ and KEVIN
HEINE