

NOTICE OF PENDENCY OF COLLECTIVE ACTION LAWSUIT

TO: All drywall workers employed by **Bean Drywall, Inc.** in the period between August 31, 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 August 2006, Jesus Navarro, Jesus Murillo, Rogelio Peres Barajas and Ruben Reyes (Plaintiffs) brought this lawsuit against Defendants Bean Drywall, Inc., Michael Nelson Bean, Michael Sales and Contractors Bonding and Insurance Company (Defendants) on behalf of themselves and all other past and present drywall workers employed by Bean Drywall, Inc. in the period between August 31, 2003 to 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 Bean Drywall, Inc. in the period between August 31, 2003 and the present.

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 Plaintiffs' counsel. The form should be signed and dated and returned to Plaintiffs' counsel in the enclosed envelope at the following address:

Felix De La Torre
Weinberg, Roger & Rosenfeld
428 J Street, Suite 520
Sacramento, CA 95814

The form must be sent to Plaintiffs' counsel in sufficient time to have Plaintiffs' counsel file it with the Federal Court on or before **June 2, 2008**. Either the English or Spanish version of the "Consent To Become Party Plaintiff" may be filed. If you fail to return the "Consent To Become Party Plaintiff" form to Plaintiffs' counsel by **June 2, 2008**, for it to be filed with the Federal Court on or before the above deadline, you will not be able to participate in the FLSA portion of this lawsuit. Please also complete the personal information sheet enclosed. The information on this personal information sheet will not be 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 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' fee. 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' fee 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.

Other Claims Pending

In addition to claims under the FLSA, Plaintiffs have also alleged violations of Arizona 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 Bean Drywall, 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:

J. Felix De La Torre
Weinberg, Roger & Rosenfeld
428 J Street, Suite 520
Sacramento, CA 95814

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, J. Felix De La Torre, at Weinberg, Roger & Rosenfeld at:

428 J Street, Suite 520
Sacramento, CA 95814
Phone: (916) 443-6600
Fax: (916) 442-0244
Email: fdelatorre@unioncounsel.net