

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JORGE GARCIA, et al., :  
 : HONORABLE JOSEPH E. IRENAS  
 Plaintiffs, :  
 : Civil Action No. 09-2668 (JEI)  
 v. :  
 :  
 FREEDOM MORTGAGE :  
 CORPORATION, :  
 :  
 Defendant. :  
 :  
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**NOTICE OF LAWSUIT AGAINST FREEDOM MORTGAGE CORPORATION**

**TO: All present and former Loan Officers and Loan Processors who have worked for Freedom Mortgage at any time since January 28, 2006.**

**1. INTRODUCTION**

The purpose of this Notice is to: (1) inform you of the existence of a lawsuit that you may be interested in joining; (2) advise you of how your rights may be affected by this lawsuit; and (3) instruct you on the procedure for joining this lawsuit, should you choose to do so.

**2. DESCRIPTION OF THE LAWSUIT**

A group of loan officer and loan processor employees of Freedom Mortgage Corporation (“Freedom Mortgage”) have sued Freedom Mortgage on behalf of themselves and all other similarly situated persons to recover unpaid overtime wages under the Fair Labor Standards Act (“FLSA”). The plaintiffs have alleged that they are owed unpaid wages for overtime because Freedom Mortgage violated the FLSA by requiring them to work in excess of 40 hours per week without time and one-half overtime compensation.

Plaintiffs have alleged that they are entitled to recover unpaid wages and overtime pay for all hours worked in excess of 40 hours in a workweek for these violations going back to January 28, 2006. Plaintiffs also seek from defendants an additional equal amount as liquidated damages, as well as prejudgment interest, and attorneys’ fees and costs. This lawsuit is currently in the early pretrial stage, and is pending in the United States District Court for the District of New Jersey.

Freedom Mortgage denies plaintiffs’ claims.

**3. IMPORTANT INFORMATION REGARDING RECENT PAYMENTS FROM FREEDOM MORTGAGE TO LOAN PROCESSORS**

In approximately July 2009, after this lawsuit was initiated, Freedom Mortgage Corporation provided payments to some current and former employees based on a survey requesting them to identify the number of unpaid overtime hours they worked during the period February 2007 through February 2009. **Even if you received a payment, you are entitled to participate in this lawsuit and may be entitled to additional money.**

For example, you may be entitled to liquidated damages in the amount equal to the backpay already received, the statute of limitations may extend back further than the period of time for which you were paid, and/or you may not have completed the survey correctly.

**For all of these reasons, even if you received a payment, you are still entitled to participate in this lawsuit and may be entitled to additional money damages.**

#### **4. COMPOSITION OF THE COLLECTIVE ACTION**

Plaintiffs seek to sue on behalf of themselves and on behalf of two subclasses of employees: (1) all persons who have worked in the position of loan officer at any time since January 28, 2006 at Freedom Mortgage; and (2) all persons who have worked in the position of loan processor at any time since January 28, 2006 at Freedom Mortgage.

#### **5. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT**

If you have worked in the position of (1) loan officer or (2) loan processor at Freedom Mortgage at any time since January 28, 2006 and were denied compensation for working in excess of 40 hours per week you may join this lawsuit. **To join this lawsuit, you must mail the “Consent to Become Party Plaintiff” form attached to this document so that it is received by plaintiffs’ lead counsel by March 2, 2010 which is the last day that plaintiffs can opt-in to this lawsuit. Plaintiffs’ Lead Counsel’s address is:**

Gregory K. McGillivray  
Heidi R. Burakiewicz  
WOODLEY & MCGILLIVARY  
1125 15<sup>th</sup> Street, N.W., Suite 400  
Washington, D.C. 20005  
(202) 833-8855  
(866) 833-8860 (toll-free)  
(202) 452-1090 (Facsimile)  
[gkm@wmlaborlaw.com](mailto:gkm@wmlaborlaw.com)  
[hrb@wmlaborlaw.com](mailto:hrb@wmlaborlaw.com)

**If you fail to return the “Consent To Become Party Plaintiff” form so that it is received by plaintiffs’ lead counsel by March 2, 2010, you will not be included in this lawsuit.**

## **6. EFFECT OF JOINING THIS LAWSUIT**

If you choose to join the lawsuit, you will be bound by the Court Judgment or settlement of the parties involved. Plaintiffs' lead counsel are being paid on a contingency fee basis, which means that if there is no recovery, you will not have to pay an attorneys' fee. If there is a recovery, the attorneys for the class will be paid a portion of the settlement obtained or money judgment awarded by the jury or the Court.

By joining this lawsuit, you will designate individually named lead plaintiffs, Jorge Garcia, Jeannie Dannenhauer, Marc Dreifuss, Derrick Futch, David Goodstadt, Janell Johnson, Christina Olivieri, Ursula Rhea, Michael Sabedra, and Felecia Truitt as your agents for purposes of this lawsuit. They will be authorized to make decisions on your behalf concerning all aspects of the lawsuit. The decisions and agreements made and entered into by the lead plaintiffs will be binding only if you join this lawsuit. However, by joining the lawsuit, plaintiffs' lead attorneys will become your attorneys, and you will be entitled to communicate with, provide input, and receive advice directly from them.

## **7. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT**

If you do not wish to be part of the lawsuit, you do not need to do anything. If you do not join the lawsuit, you will not be part of the case in any way and will not be bound by or affected by the result (whether favorable or unfavorable). Your decision not to join this case will not affect your right to bring a similar case on your own at a future time. However, claims under the Fair Labor Standards Act must be brought within 2 years of the date the claim accrues, unless the employer's violation of the law was "willful," in which case the claim must be brought within 3 years.

## **8. FURTHER INFORMATION**

Further information about this lawsuit and/or the deadline for filing a "Consent to Become Party Plaintiff," may be obtained by writing, sending an e-mail, or calling plaintiffs' lead counsel.

## **9. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join this lawsuit, your interests will be represented by the lead plaintiffs named in paragraph 6, through their attorneys, as lead counsel for the plaintiffs. In addition to plaintiffs' attorneys Gregory K. McGillivray and Heidi R. Burakiewicz, lead plaintiffs are also represented by Vincent M. Giblin, Pitta & Giblin, LLP, 120 Broadway – 28<sup>th</sup> Floor, New York, New York 10271, (212) 652-3883, facsimile (212) 652-3891, [vgiblin@pittagiblin.com](mailto:vgiblin@pittagiblin.com).

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES.**