

ANTHONY GERVASIO, RICHARD  
BONGIOVANNI, MICHAEL DINSE, JAMES  
CLOUD and CHRISTOPHER CARMANY  
Individually and on Behalf of All Other Persons  
Similarly Situated,  
  
Plaintiffs,  
  
v.  
  
WAWA, INC.,  
  
Defendant.

Case No. 3:17-cv-00245 (PGS)(DEA)

**If you were employed as an Assistant General Manager (“AGM”) at Wawa, Inc. between January 10, 2015 and December 28, 2015, please read this notice.**

*This is a court-authorized notice. This is not a solicitation from a lawyer.*

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YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
<p><b>RETURN THE “CONSENT TO JOIN” FORM</b></p>	<p>If you choose to be included, you will share in any monetary recovery that might come from a trial or a settlement in this lawsuit. If you choose to be included and the Plaintiffs are successful, you give up any rights to sue Wawa on your own for the same claims asserted in this lawsuit.</p> <p><b>If you want to be included, you must complete and return the “Consent to Join” form included with this Notice by no later than April 2, 2018.</b> By doing so, you will “opt in” and join the lawsuit as a member of the Collective.</p>
<p><b>DO NOTHING</b></p>	<p>By doing nothing, you will NOT be included in this lawsuit. This means that you give up the possibility of a monetary recovery that may come from a trial or settlement if the Plaintiffs are successful.</p> <p>However, you keep any rights to sue Wawa separately about the same legal claims in this lawsuit. You should be aware that your time to bring FLSA claims is limited by either a two- or three-year statute of limitations.</p>

**This notice contains information that affects your rights. Please read it carefully.**

### 1. Why did I get this notice?

You are getting this notice because Wawa’s records show that you were an AGM between January 10, 2015 and December 28, 2015.

### 2. What is this lawsuit about?

The lawsuit alleges that Wawa misclassified AGMs as “exempt” employees, instead of properly classifying them as employees who are entitled to the protections of the FLSA, and failed to pay them overtime for hours worked over 40 in a workweek. The Plaintiffs claim that the duties they primarily performed, such as greeting and assisting customers; cashiering; sales; returns; stocking; inventory; cleaning; preparing food and coffee; and operational/clerical duties, entitled them to receive overtime compensation like other, hourly Wawa employees who similarly performed such duties.

Defendant denies that it violated any laws or did anything wrong. The Court has not made any determination as to the merits of these allegations.

This lawsuit was filed on January 12, 2017, and is known as *Gervasio, et al. v. Wawa, Inc.*, Case No. 3:17-cv-00245 (PGS)(DEA), and is pending before the U.S.D.C. Judge Peter G. Sheridan in the United States District Court for the District of New Jersey.

### 3. What are the Plaintiffs asking for?

The Plaintiffs seek to recover unpaid overtime and an additional equal amount as “liquidated damages,” which doubles the amount of wages owed. The lawsuit also seeks recovery of costs and attorneys’ fees.

#### 4. What is a Collective Action and who is involved?

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit that includes others who have similar claims. If you complete a Consent to Join form and join the case by **April 2, 2018**, you will become part of the “Collective.” In a collective action, one court resolves the issues for everyone who decides to join the case.

#### 5. Why is this lawsuit a Collective Action?

The Court has made a preliminary determination that the Plaintiffs may be similarly situated to other Wawa AGMs and authorized this case to proceed conditionally as a Collective Action under Section 216(b) of the FLSA.

#### 6. What happens if I join this lawsuit?

If you choose to join the Collective, you will be bound by and share in any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or favorable judgment. While these lawsuits are pending, you may be asked to provide discovery and relevant information regarding the work you performed at Wawa.

By joining this lawsuit, you designate the named Plaintiffs as your representatives, and to the fullest extent possible, you designate the named Plaintiffs and their Counsel to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs relating to this lawsuit will be binding on you if you join the lawsuit.

#### 7. Can Wawa and/or my current employer retaliate against me if I join the lawsuit?

No. It is a violation of federal law for any employer or Wawa to fire, discipline, or retaliate against you in any manner for taking part in this case.

#### 8. What happens if I do nothing at all?

If you do nothing, you will not be entitled to share in any amounts recovered by the Plaintiffs for the FLSA claims in this case but you will not be affected by any decision regarding those claims, whether favorable or unfavorable. You will be free to hire your own lawyer and file your own FLSA lawsuit, should you so desire. You should be aware that your time to bring FLSA claims is limited by either a two- or three-year statute of limitations.

#### 9. How do I ask to be included in this case?

Enclosed is a form called “Consent to Join.” **If you choose to join this lawsuit, it is extremely important that you read, sign, and promptly return the Consent to Join form.** An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to (either via mail, e-mail or facsimile):

Wawa Overtime Lawsuit  
c/o JND Legal Administration  
P.O. Box 91307  
Seattle, WA 98111  
*Email:* WawaOvertimeLawsuit@jndla.com  
*Fax:* 866-237-9621

**The signed Consent to Join form must be postmarked, e-mailed, faxed, or submitted through [www.WawaOvertimeLawsuit.com](http://www.WawaOvertimeLawsuit.com) by April 2, 2018.**

#### **10. If I join this case, do I have a lawyer?**

If you choose to join this lawsuit you will be represented by Plaintiffs' Counsel:

Marc S. Hepworth  
Charles Gershbaum  
David A. Roth  
Rebecca S. Predovan  
Hepworth, Gershbaum & Roth, PLLC  
192 Lexington Avenue, Suite 802  
New York, New York 10016  
Phone: (212) 545-1199  
info@hgrlawyers.com  
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Joseph D. Monaco, III  
The Law Offices of Joseph Monaco, P.C.  
25 East Spring Valley Avenue, Suite 330  
Maywood, New Jersey 07607  
Phone: (212) 486-4244  
Fax: (646) 807-4749  
jmonaco@monaco-law.com

#### **11. Should I get my own lawyer?**

You do not need to hire your own lawyer because Plaintiffs' Counsel will be working on your behalf. However, if you do not want to be represented by Hepworth, Gershbaum & Roth, PLLC and The Law Offices of Joseph Monaco, P.C., in connection with this lawsuit, you may choose to retain your own counsel (at your own expense).

#### **12. How will the lawyers be paid?**

The Plaintiffs have entered into a contingency fee agreement with Plaintiffs' Counsel. Under this agreement, you are not responsible for paying any of the attorneys' fees or costs expended in this lawsuit. In other words, even if there is no recovery, you pay nothing.

Under the fee agreement, in the event there is a recovery, Plaintiffs' Counsel will apply to the Court for a portion of any settlement obtained or money judgment entered in favor of Plaintiffs and the Collective in the amount the greater of: (1) the "lodestar" amount, calculated by multiplying reasonable hourly rates by the amount of time expended on the lawsuit, or (2) one-third of the gross settlement or judgment amount. Plaintiffs' Counsel will also apply to the Court for their reasonable costs. Fees and costs may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by Wawa, or may be a combination of the two.

#### **13. Questions?**

If you have any questions, you may write, e-mail, or call Plaintiffs' Counsel at:

Marc S. Hepworth  
Charles Gershbaum  
David A. Roth  
Rebecca S. Predovan  
Hepworth, Gershbaum & Roth, PLLC  
192 Lexington Avenue, Suite 802  
New York, New York 10016  
Phone: (212) 545-1199  
info@hgrlawyers.com  
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Joseph D. Monaco, III  
The Law Offices of Joseph Monaco, P.C.  
25 East Spring Valley Avenue, Suite 330  
Maywood, New Jersey 07607  
Phone: (212) 486-4244  
Fax: (646) 807-4749  
jmonaco@monaco-law.com

You can also visit [www.WawaOvertimeLawsuit.com](http://www.WawaOvertimeLawsuit.com) for additional information.

DATED: January 30, 2018