

COURT AUTHORIZED NOTICE

United States District Court for the Northern District of California

If you were employed by the City and County of San Francisco as a non-supervisory registered nurse since December 20, 2015, please read this notice.

A collective action lawsuit may affect your legal rights.

This is a Court-authorized notice. This is not a solicitation from a lawyer.

- A registered nurse has filed a lawsuit against the City and County of San Francisco (“the City”). The plaintiff claims that the City was required to pay time-and-a-half for hours worked over 40 per week but failed to pay this overtime premium. The City denies this claim.
- The lawsuit is proceeding as a collective action on behalf of Internal Per Diem Nurses -- *i.e.*, Staff Nurses also employed as P103 Per Diem Nurses employed by the City at any time since December 20, 2015.
- The Court has not decided who is right and who is wrong. Your legal rights may be affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you choose to be included in this lawsuit, you keep the possibility of getting money or benefits that may come from a trial or a settlement, but you give up any rights to separately sue the City and County of San Francisco about the same (or related) legal claims in this lawsuit. If money or benefits are obtained from the City, and you choose to be included in the case, you will be notified about how to obtain a share. If you wish to be included, you must submit the form at the end of this Notice by December 21, 2020.
DO NOTHING	By doing nothing, you will not be included in this lawsuit. You will give up the possibility of getting money or benefits that may come from a trial or settlement if the lawsuit is successful. You keep any right to sue the City and County of San Francisco separately about the legal claims in this lawsuit (and related claims), but this right will expire as time passes. You may choose not to sue the City at all.

Questions? Contact the Claims Administrator at 844-271-4788 or review the Claims Website at www.sfnurses.com.

Notice of Collective Action Certification – *Litvinova v. City and County of San Francisco*, United States District Court for the Northern District of California, case no. 18-cv-01494-RS

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 records show that you worked as an Internal Per Diem Nurse --i.e., Staff Nurse also employed as P103 Per Diem Nurse for the City and County of San Francisco since December 20, 2015. Specifically, records show that you worked in one or more of the following job classifications:

2320 Registered Nurse

2323 Clinical Nurse Specialist

2325 Nurse Midwife

2330 Anesthetist

2340 Operating Room Nurse

2830 Public Health Nurse

2328 Nurse Practitioner

And you also worked in the following job classification:

P103 Per Diem Registered Nurse

A lawsuit has been brought against the City and County of San Francisco claiming that it was required by federal law to pay time-and-a-half to Internal Per Diem nurses when they worked over 40 hours per week, but it failed to do so. The lawsuit is known as *Litvinova v. City and County of San Francisco*, United States District Court for the Northern District of California, case no. 18-cv-01494-RS.

A court has conditionally certified this case as a collective action, which means that you have the right to join the lawsuit. The Court has ordered that you receive this Notice explaining what the lawsuit is about, so that you can decide whether to join. The Court has not decided the merits of the case.

Questions? Contact the Claims Administrator at 844-271-4788 or review the Claims Website at www.sfnurses.com.

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2. What is this lawsuit about?

Plaintiff's Position: This lawsuit is about whether the City and County of San Francisco should have paid overtime to certain Internal Per Diem Nurses --i.e., Staff Nurses also employed as P103 Per Diem Nurses when they worked over 40 hours per week. Ms. Litvinova contends that additional monies are owed to the Staff Nurses. This lawsuit contends that Staff Nurses are entitled to overtime under federal law. Even though the City pays all Staff Nurses who work as Internal Per Diem Nurses in accordance with the Collective Bargaining Agreement between the City and the Nurses' Union, SEIU, the City does not pay the Staff Nurses the overtime, time and a half, they are entitled to under federal law.

City's Position: The City denies any wrongdoing and specifically denies that any additional monies are owed to the Staff Nurses. The City contends that Staff Nurses are not entitled to overtime under state or federal law. Nevertheless, the City pays all Staff Nurses who work as Internal Per Diem Nurses in accordance with the Collective Bargaining Agreement between the City and the Nurses' Union, SEIU, which provides Staff Nurses with overtime premiums in certain situations and also permits Staff Nurses to pick up per diem shifts and receive pay at a premium rate.

3. What is the Plaintiff asking for?

The Plaintiff is seeking to recover unpaid overtime wages and certain penalties. Plaintiff is also seeking recovery of attorneys' fees and costs.

4. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be represented by the Plaintiff and her lawyers, who will make decisions on your behalf about the conduct of the lawsuit. If the Plaintiff recovers money from the City and County of San Francisco, you may be able to receive a share. But if the Plaintiff doesn't win, you will be bound by the result and will not be able to separately sue on the issues in this case.

5. How do I Join the lawsuit?

Enclosed is a form called "Consent to Join." To join this lawsuit, you must read, sign and return the Consent to Join form. The signed Consent to Join form must be postmarked by **December 21, 2020** for it to be considered timely. An addressed and postage-paid envelope is enclosed. If the envelope is lost or misplaced, the Consent to Join form must be sent to:

San Francisco Nurse Lawsuit
c/o Claims Administrator
PO Box 58242
Philadelphia PA 19102-8242

Questions? Contact the Claims Administrator at 844-271-4788 or review the Claims Website at www.sfnurses.com.

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If your signed Consent to Join form is not postmarked by **December 21, 2020**, you may not be eligible to participate in the lawsuit.

You can also join by submitting your Consent to Join form online on the case website www.sfnurses.com by **December 21, 2020**.

If your signed Consent to Join form is not postmarked by **December 21, 2020**, or if you fail to join by filling out the online form by **December 21, 2020** you will not participate in this lawsuit, you will not share in any recovery, and you will not be bound by any settlement or judgment. You will be in the same position as if you do nothing (see “What happens if I do nothing?”).

6. What happens if I do nothing?

If you do nothing, you will not be affected by the outcome in this case, favorable or unfavorable. You will not be entitled to share any recovery from this lawsuit. You will be free to hire your own lawyer and file your own lawsuit.

7. Has the Court decided who is right?

The Court has not ruled on who is right, and there is no guarantee of recovery.

8. Who can join this lawsuit?

To be eligible to join this lawsuit, you must have worked as an Internal Per Diem Nurse --i.e., Staff Nurse also employed as P103 Per Diem Nurse for the City and County of San Francisco since December 20, 2015. Specifically, you must have worked in one or more of the following job classifications:

2320 Registered Nurse

2323 Clinical Nurse Specialist

2325 Nurse Midwife

2330 Anesthetist

2340 Operating Room Nurse

2830 Public Health Nurse

2328 Nurse Practitioner

and you must have simultaneously been employed in the following classification:

P103 Per Diem Registered Nurse

Questions? Contact the Claims Administrator at 844-271-4788 or review the Claims Website at www.sfnurses.com.

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9. What if this Notice wasn't sent to me?

This Notice was sent to the last known address and email address of eligible employees, but it may not have reached everyone. If you are eligible, you can join the lawsuit by returning a Consent to Join form or by joining online even if you didn't receive Notice directly.

10. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing the lawyers in this case or the notice administrator, at the phone numbers or addresses listed.

If you join the case but it is later determined that you are not eligible, you will not share in any recovery.

11. What happens next?

You have until **December 21, 2020** to opt into the lawsuit. After that date, you will not be allowed to opt in. Then the lawsuit will proceed toward trial, which could take months or years.

12. Can the City and/or my current employer retaliate against me if I join the lawsuit?

It is a violation of law for the City to fire, discipline, discriminate or retaliate against you for taking part in this case. If you believe that you have been penalized in any way as a result of your receiving this Notice, considering whether to join this lawsuit, or actually joining this lawsuit, you may contact Plaintiff's lawyers or any other lawyer you choose.

13. Do I have a lawyer in this case?

If you choose to join this lawsuit you will be represented by the following attorney:

Eduardo G. Roy, Esq.
PROMETHEUS PARTNERS L.L.P.
555 Montgomery Street, Suite 708
San Francisco, CA 94111

Telephone: 415.527.0255

eduardo.roy@prometheus-law.com

Questions? Contact the Claims Administrator at 844-271-4788 or review the Claims Website at www.sfnurses.com.

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14. How will the lawyers be paid?

The Plaintiff's attorneys will not charge you directly for their work in this case. If the Plaintiff recovers money, the Plaintiff's attorneys will be paid whatever attorneys' fees the Court orders. Those fees may be subtracted from any recovery obtained from the City and County of San Francisco, they may be paid separately by the City, or they may be a combination of the two. If there is no recovery from the City, the attorneys will not be paid for their work on this case.

15. What if I still have questions?

Contact the attorneys or the Claims Administrator by phone at 844-271-4788 or by mail at:

San Francisco Nurse Lawsuit
c/o Claims Administrator
PO Box 58242
Philadelphia PA 19102-8242

In addition, please see the Claims Website at www.sfnurses.com.

Do not contact the Court.

Questions? Contact the Claims Administrator at 844-271-4788 or review the Claims Website at www.sfnurses.com.

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