

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES MEBANE and ANGELA)
WORSHAM, on behalf of themselves and)
all others similarly situated,)

Plaintiffs,)

v.)

GKN DRIVELINE NORTH AMERICA,)
INC.,)

Defendant.

Case No.: 1:18-CV-892-LCB-LPA

TO: INDIVIDUALS WHO WERE, ARE, OR WILL BE EMPLOYED AT DEFENDANT GKN'S NORTH CAROLINA FACILITIES ON THE MANUFACTURING FLOOR IN NON-MANAGERIAL POSITIONS WHO WERE NOT COMPENSATED ALL PROMISED, EARNED, AND ACCRUED WAGES DUE TO DEFENDANT'S ROUNDING POLICY, INCLUDING, BUT NOT LIMITED TO, COMPENSATION FOR ALL REQUIRED HOURS WORKED UP TO FORTY (40) IN A WEEK AND FOR HOURS WORKED ABOVE FORTY (40) IN A WEEK, WITHIN TWO YEARS PRIOR TO THE COMMENCEMENT OF THIS ACTION, THROUGH THE PRESENT.

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

A lawsuit has been brought against GKN Driveline North America, Inc. (“GKN Driveline”). Plaintiffs James Mebane and Angela Worsham allege that GKN has violated the Fair Labor Standards Act (“FLSA”) by not compensating manufacturing floor employees for all time worked, including, but not limited to hours worked in excess of 40 per week for required start-up activities before the beginning of their paid shifts, and required end-of-shift activities after the conclusion of paid shifts, based on a corporate policy wherein employees’ time is only compensated from their scheduled start and/or end time of each shift, unless overtime worked was approved. Specifically, Plaintiffs allege that GKN Driveline failed to compensate employees at a rate of one-and-one half times their regular rate of pay for required work performed in excess of forty (40) per week. Plaintiffs seek to recover overtime wages due, liquidated damages in an equal amount,

reasonable attorneys' fees and costs, and all other legal and equitable relief as the Court deems just and proper.

The Court has allowed the lawsuit to be certified as a class action under the North Carolina Wage and Hour Act ("NCWHA") and as a collective action under the Federal Fair Labor Standards Act ("FLSA") on behalf of employees affected by Defendant's rounding policy.

The Court has not decided whether Defendant did anything wrong. There is no money available now, and no guarantee there will be any. However, your legal rights are affected, and you have a choice to make now, and you must act before **March 22, 2021**:

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

FEDERAL LAW CLAIM

WHAT YOU MAY DO:

FILL OUT AND SEND MAIL THE CONSENT TO JOIN FORM ENCLOSED IN THIS NOTICE.	By filling out and sending in the Consent Form, you will be bound by all decisions of the Court and will have the right to share in a monetary recovery, if any. You will also give up the right to sue Defendant separately about the same legal claims in this case.
DO NOTHING: STAY OUT OF THE CASE. HOWEVER, YOU ARE STILL A MEMBER OF THE CLASS AS STATED BELOW.	If you do not fill out and send in the Consent to Join Form you will not become a party to this case. You will not be bound by any decision of the Court and will not share in any potential monetary recovery, if any that may be awarded. But you keep any rights to sue Defendant separately about the same legal claims in the case, provided you do so in a timely manner.

NORTH CAROLINA STATE LAW CLAIM

WHAT YOU MAY DO:

YOU ARE AUTOMATICALLY A MEMBER OF THIS CASE UNLESS YOU “OPT OUT”.	You will be represented by the attorneys designated by the Court to represent the class (“class counsel”) unless you exclude yourself from the class.
IF YOU WISH TO EXCLUDE YOURSELF, YOU MUST OPT-OUT.	If you do not want to participate in this class action part of the case, you must send the opt-out form by mail or email to: GKN Driveline Lawsuit Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, info@GKNClassActionLawsuit.com If you do not participate in this class action part of the lawsuit, you will not be eligible to receive any benefits in the event that a settlement or judgment is obtained on this claim. If you do not opt-out of this class action you will be bound by the judgment of the Court on all issues, whether favorable or unfavorable.

BACKGROUND INFORMATION

1. WHY AM I GETTING THIS NOTICE?

The purpose of this Notice is to:

1. Inform you of the existence of a case in which you are potentially eligible to participate;
2. Advise you of how your rights may be affected by this case; and
3. Instruct you on the procedure for participating in this case, if you decide to join.

Defendant’s records reflect that you were employed by Defendant in one or more of the positions included on the assembly line and/or manufacturing floor in this case during, on or after **October 23, 2015**.

The Court has certified a class and collective action lawsuit that may affect you. A trial may be necessary to decide whether the claims being made against Defendant on your behalf are correct or whether Defendant’s defenses to those claims are correct. The

Honorable Loretta Biggs, District Court Judge in the United States District Court for the Middle District of North Carolina is overseeing this lawsuit.

2. WHAT IS THE LAWSUIT ABOUT?

On October 23, 2018, an action was filed against Defendant GKN Driveline on behalf of Named Plaintiffs James Mebane and Angela Worsham, and all other similarly situated individuals who worked for the company as a manufacturing and/or assembly line employee. Specifically, Plaintiff alleges claims in this lawsuit on behalf of themselves and all other employees: (1) Defendant failed to pay Employees for all hours worked and (2) Defendant failed to pay overtime premium pay for each hour they worked in excess of 40 hours per week.

Plaintiffs seek back pay wages, prejudgment interest, and liquidated damages under both state and federal laws for themselves and all other current or former assembly line and/or manufacturing employees who worked for Defendant GKN Driveline from **October 23, 2015 until the present**. Defendant denies any wrongdoing and contends that all employees have been properly paid for all work they performed.

3. WHAT IS THIS CASE ABOUT PURSUANT TO THE NORTH CAROLINA CLAIMS?

In the state law part of this lawsuit, Plaintiffs claim that Defendant must pay back wages for the actual hours worked, including but not limited to, pre and post shift activities and accrued and unpaid regular and overtime wages, plus an equal amount in additional liquidated damages, interests, plus costs in attorney's fees.

4. DOES THE LAW PROTECT ME FROM RETALIATION?

Yes. If you decide to join this case or participate in this case in any way, federal law prohibits Defendant from retaliating against you in any way.

5. WHAT ABOUT IMMIGRATION STATUS?

Your immigration status will not be the subject of this lawsuit. You are entitled to seek a recovery regardless of your immigration status.

6. HOW DO I KNOW IF I AM PART OF THIS CLASS ACTION?

You may be a member of the FLSA collective action by returning the opt-in form if you worked for GKN Driveline as a manufacturing and/or assembly line employee on or after **October 23, 2015**.

You are a member of the North Carolina class action if you worked for GKN Driveline as a manufacturing and/or assembly line employee on or after **October 23, 2016** unless you return the opt-out form in the business reply envelope included, which must be postmarked no later than **March 22, 2021**.

YOUR RIGHTS AND OPTIONS

7. HOW DO I JOIN THIS CASE AND WHAT HAPPENS NEXT?

If you wish to join this case, you must complete the enclosed "Consent to Join" form and return it to the address at the bottom of the form in the business reply envelope included. You may also email the completed form to info@GKNClassActionLawsuit.com. **If your completed Consent to Join form is not postmarked or emailed on or before that date, you will not be allowed to join this case.**

If you decide to join this lawsuit, we will keep you informed of the status of the case.

THIS FORM MUST BE POSTMARKED OR EMAILED NO LATER THAN MARCH 22, 2021.

Joining this case does not guarantee that you will receive any money from the case because a monetary recovery is not certain. If you join this case, you will be bound by any judgment entered by the Court, whether favorable or unfavorable and you will forfeit the right to sue Defendant as an individual for the same claims made in this case.

8. IF THE EMPLOYEES ARE SUCCESSFUL IN THIS CASE, WHAT MONEY MIGHT I RECEIVE?

The Plaintiffs seek money for themselves and other Defendant's employees, including you, should you decide to join this case. In particular, he seeks:

- (1) Backpay for unpaid regular and overtime hours worked at straight-time and time and one-half for hours over 40 per week;
- (2) Liquidated or doubled monetary damages;
- (3) That Defendant pay Plaintiff's attorneys fees; and
- (4) That Defendant pay Plaintiff's costs of the case.

9. WHAT HAPPENS IF I DON'T JOIN THIS CASE?

If you decide not to join this case, you will not be affected by any judgment or settlement on the Plaintiffs' legal claims under the Fair Labor Standards Act. You also may not be allowed to participate in any money damages if Plaintiffs win. You will also retain the right

to sue Defendant individually if you so choose provided you do so in a timely manner.

YOUR LEGAL REPRESENTATION IF YOU JOIN

10. WHO WILL BE MY LAWYER?

The Court ordered that attorneys at The Law Offices of Gilda A. Hernandez, PLLC may represent you and all collective action members. However, if you decide to join this case, you have the right to hire your own lawyers or enter an appearance through an attorney at your own expense. You can contact the firm to learn more information about them, their practice, and their lawyers' experience at the information listed below:

Gilda A. Hernandez, Esq.
Charlotte Smith, Esq.
THE LAW OFFICES OF
GILDA A. HERNANDEZ, PLLC
1020 Southhill Dr., Ste 130
Cary, NC 27513
Tel: (919) 741-8693
Fax: (919) 869-1853

www.gildahernandezlaw.com

rkreuz@gildahernandezlaw.com

11. HOW WILL THE LAWYERS BE PAID?

The Class Representatives have entered into a contingency fee agreement with Class Counsel. Under this agreement, you are not responsible for paying out of pocket any of the attorneys' fees or costs expended in the lawsuit. By returning the opt-in form enclosed, you are agreeing to be bound by this agreement. Class Counsel will be paid as follows: (1) if there is a settlement, Class Counsel may ask the Court to award it up to 33% of any recovery obtained in addition to reasonable out of pocket costs; (2) if there is a trial and plaintiffs prevail, Class Counsel may ask the Court to award it 33% of the award and reasonable out of pocket costs and/or may ask the Court to order Defendant to pay their attorneys' fees and costs separately, on top of the award to the plaintiffs.

If you elect to opt into this lawsuit, *you will not be required to pay attorneys' fees or expenses to the Plaintiff's lawyers.* This is true regardless of whether or not you win or lose this case. The lawyers for Plaintiff will be paid only if Plaintiff wins or Defendant settles the case. If that happens, these fees will either be paid by Defendant or as a percentage of any monetary judgment in favor of Plaintiffs as ordered by the Court. *If there is no recovery, there will be no attorneys' fees paid to the lawyers.*

THE TRIAL

12. HOW AND WHEN WILL THE COURT DECIDE WHO IS RIGHT?

If the lawsuit is not resolved by a settlement or by the Court before trial, the plaintiffs will have to prove their claims at a trial. The trial would take place in the United States District Court for the Middle District of North Carolina. During the trial, a jury will hear evidence, including the testimony of witnesses, to help them reach a decision about whether the plaintiffs are right about the claims in the lawsuit. No guarantee exists that the plaintiffs will prevail, or that they will be awarded any damages.

13. DO I HAVE TO COME TO TRIAL?

You are not required to attend the trial unless one of the parties asks you to be a witness at the trial. If Class Counsel or defendant's counsel believes that your testimony may be helpful to establishing important facts in the litigation, Class Counsel will contact you before the trial to provide more information regarding your participation in the trial.

GETTING MORE INFORMATION

If you have any questions or would like additional information, please visit the website www.GKNClassActionLawsuit.com or contact Class Counsel, whose contact information is provided above in Paragraph 10.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL MIDDLE DISTRICT OF NORTH CAROLINA COURT, THE HONORABLE JUDGE LORETTA BIGGS, UNITED STATES DISTRICT JUDGE. THE COURT TAKES NO POSITION REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR DEFENDANT'S DEFENSES.

DO NOT CONTACT THE CLERK OF COURT REGARDING THIS NOTICE.