

[Insert Mailing Date]

**NOTICE OF COLLECTIVE ACTION WAGE LAWSUIT**

*Michael Albert v. Honda Development & Manufacturing of America, LLC*  
United States District Court, Southern District of Ohio, Case No. 2:22-cv-00694

To: [INSERT NAME]

**PLEASE READ THIS NOTICE CAREFULLY**

**INTRODUCTION**

This Notice informs you of the existence of a collective action lawsuit seeking unpaid overtime wages and statutory penalties on behalf of individuals who worked for Honda Development & Manufacturing of America, LLC but were not timely paid all overtime wages for weeks where they worked more than 40 hours in a single workweek since the time of the Kronos outage in December 2021 through February 28, 2022.

**Even if Honda may have repaid some or all of your unpaid wages, Plaintiffs are asserting that you (and others) may be entitled additional money in double statutory damages since you weren't paid when the payment was due. Also, if Honda's calculations were inaccurate for your repayment, or if your actual hours were not identified, joining this case will allow you to work with lawyers to obtain the additional money you may be owed.**

**Based on company records, it has been determined that you have a right to participate in the lawsuit. If you wish to participate, you must sign and complete the "Consent Form" enclosed with this notice and return by [FILL IN DATE — 60 DAYS AFTER MAILING], 2024.**

**DESCRIPTION OF THE LAWSUIT**

On February 15, 2022, the Plaintiff in this case, Michael Albert, filed a lawsuit against Defendant Honda Development & Manufacturing of America, LLC (hereinafter referred to as "Defendant"). The lawsuit is proceeding in the United States Federal District Court in Columbus, Ohio, and includes other related cases that have been consolidated with this action.

The lawsuit alleges that as a result of the Kronos outage in December 2021, Defendant failed to pay employees all the overtime that it should have paid. The lawsuit also alleges that Honda is further liable for statutory damages under the federal Fair Labor Standards Act.

More specifically, the lawsuit claims Honda violated the Fair Labor Standards Act by failing to properly record all hours employees worked and further failing to timely pay employees all overtime wages for weeks where they worked more than 40 hours in a single workweek. In the absence of complete, accurate time records, Plaintiff contends employees may establish hours worked through other means such as individual testimony and other non-written evidence. The lawsuit seeks the recovery of unpaid overtime wages and liquidated damages alleged to be due in addition to any late payment of compensation by Defendant. In other words, although the Court has been apprised that Defendant has issued some payments during the pendency of this lawsuit due to the Kronos cyber security incident, **Plaintiff alleges that**

**additional liquidated and statutory damages are still due.** Specifically, Plaintiffs claim double statutory damages above the 10% premium paid by Honda with its reconciliation payments are still due. Plaintiffs further claim Honda's analysis of the Kronos records and determination of the reconciliation payments was inaccurate. The lawsuit further seeks payment of attorney's fees and costs.

Honda Development & Manufacturing of America, LLC denies the allegations and asserts that it acted lawfully in response to the Kronos outage by paying employees a set amount of overtime pay at the beginning of the outage, establishing an interim timekeeping method within a few weeks of the outage, paying associates with a 10% premium as soon as it could for any differences between the amounts they were paid and what Kronos records indicate they should have been paid, and declining to require associates to pay back any overpayments it made to them during the outage.

The lawsuit is in its early stages. The Federal Court has not decided who will win this lawsuit.

### **RETALIATION PROHIBITED**

The law prohibits the Defendant, or any of their agents or employees, to discharge you, or in any manner harass, discriminate or retaliate against you for taking part in this collective action.

### **EFFECTS OF JOINING THIS LAWSUIT**

If you choose to join in this lawsuit, you will be bound by the judgment, whether it is favorable or unfavorable. You will also be bound by, and will share in, any settlement that may be reached on behalf of the employees who have filed or opted-in to this lawsuit.

If you choose to join this lawsuit, you will be represented by the attorneys currently representing the Plaintiff. If you join the lawsuit, you will not be required to pay attorney's fees or expenses in advance. If the lawsuit is successful, Plaintiff's counsel may be paid either by the Defendant, or if a settlement is reached prior to judgment, Plaintiff's counsel may receive a percentage of any money judgment or settlement in favor of you, or others similarly situated, as agreed by contract and ordered by the Court. If you return the attached Consent Form, you should be aware that important decisions concerning the prosecution of this case may be made on your behalf. Further, you may be required to provide information, sit for a deposition, or testify in Court.

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

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable. You will be free to file your own lawsuit, or you may choose to do nothing.

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

Plaintiffs and any Class Member who completes the consent form enclosed will be represented by the attorneys of SCOTT & WINTERS LAW FIRM, LLC, KLAFTER LESSER LLP, PARMET PC, and MORGAN & MORGAN, P.A. listed below. You also have the option to retain an attorney of your own choice. You can contact the Plaintiffs' Attorneys for free to obtain more information at:

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Kevin M. McDermott II, *Esq.*  
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rmorgan@forthepeople.com

### HOW TO JOIN THIS LAWSUIT

You can join this lawsuit online <by going to [www.\\_\\_\\_\\_\\_.com](http://www._____.com)> {by clicking on this [LINK]}<sup>1</sup> and filling out the form.

<You can also join this case by completing and signing a copy of the enclosed document titled “Consent Form.” You can return the document by mail, email, electronic signature or fax. The consent form should be sent to [\_\_\_\_\_].>

You must sign online or return the signed consent form on or before **[FILL IN DATE — 60 DAYS AFTER MAILING], 2024** (WITHIN 60 DAYS OF NOTICE BEING SENT). If you fail to meet this deadline, you may not be allowed to participate in the lawsuit.

**CONSENT FORMS MUST BE FAXED, EMAILED, E-SIGNED OR POSTMARKED  
BY [FILL IN], 2024**

### FURTHER INFORMATION

Further information about this Notice or the action may be obtained from Plaintiff’s counsel at [www.\\_\\_\\_\\_\\_.com](http://www._____.com) or \_\_\_\_\_. The call is free and confidential.

**THIS NOTICE HAS BEEN AUTHORIZED BY UNITED STATES DISTRICT JUDGE EDMUND A. SARGUS, JR. THE COURT HAS TAKEN NO POSITION REGARDING THE LAWSUIT’S MERITS.**

**DO NOT CONTACT THE COURT OR ANY COURT PERSONNEL FOR INFORMATION ABOUT THIS CASE.**

<sup>1</sup> Note by Counsel: The language above and below in the < > will be used for the for the physical mailed notice. The language above in the { } will be used for the for the emailed / electronic notice.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MICHAEL ALBERT, <i>on behalf of himself and all</i>	)	CASE NO. 2:22-CV-00694
<i>others similarly situated,</i>	)	
	)	JUDGE EDMUND A. SARGUS, JR.
Plaintiff,	)	
	)	MAGISTRATE JUDGE
v.	)	KIMBERLY A. JOLSON
	)	
HONDA DEVELOPMENT &	)	<b><u>EXHIBIT 2</u></b>
MANUFACTURING OF AMERICA, LLC	)	
	)	
Defendant.	)	

**CONSENT FORM**

I hereby consent, agree, and opt-in to be a party Plaintiff in the above-captioned collective action. I agree to be represented by SCOTT & WINTERS LAW FIRM, LLC, KLAFTER LESSER LLP, PARMET PC, AND MORGAN & MORGAN, P.A. I authorize Plaintiff Michael Albert, and SCOTT & WINTERS LAW FIRM, LLC, KLAFTER LESSER LLP, PARMET PC, and MORGAN & MORGAN, P.A., to act on my behalf in all matters relating to this action, including any settlement of my possible claims.

I understand that by filing this consent form I will be bound by the judgment of the Court on all issues in this case.

\_\_\_\_\_  
SIGNATURE/DATE

\_\_\_\_\_  
PRINT NAME

<b><u>(Information below this line will not be filed with the Court)</u></b>	
_____ STREET ADDRESS	_____ CITY/STATE/ZIP
_____ TELEPHONE NUMBER	_____ EMAIL ADDRESS

eSign via PDF or send by one of the following:

MAIL to: [\_\_\_\_\_]

FAX to: [\_\_\_\_\_]

EMAIL to: [\_\_\_\_\_]

Completed Consent Forms must be eSigned, postmarked, faxed, or emailed by \_\_\_\_\_, 2024.

**EXHIBIT 3: COVER EMAIL TO PUTATIVE COLLECTIVE ACTION MEMBERS**

***Subject: Notice of Wage Lawsuit Against Honda Development & Manufacturing of America, LLC (Kronos Data Breach)***

Dear Current or Former Employee of Honda:

Our law firm represents Michael Albert, a current employee of Honda Development & Manufacturing of America, LLC in an action seeking to recover alleged unpaid overtime wages. You are receiving this e-mail because Honda's records indicate that you are an hourly employee who was not paid overtime compensation at time and one half as a result of the Kronos outage. As such, you may be eligible to participate in this lawsuit and your rights may be affected by its outcome.

**Even if Honda may have repaid some or all of your unpaid wages, Plaintiffs are asserting that you (and others) may be entitled additional money in statutory damages since you weren't paid when the payment was due. Also, if Honda's calculations were inaccurate for your repayment, or if your actual hours were not identified, joining this case will allow you to work with lawyers to obtain the additional money you are owed.**

Attached to this email you will find a Notice regarding the collective action legal case against Honda recently authorized by the Court. The Notice explains the steps you need to take if you want to join. You should also be receiving a copy of the same information via U.S. Mail. After reviewing the Notice, if you would like to opt in to the case, you can join this lawsuit online by going to [www.\\_\\_\\_\\_\\_.com](http://www._____.com) and filling out the form or by completing the Consent Form document attached to this email as a PDF.

**Upon request, if you would like to complete and sign a Consent Form by E-Signature, we can directly send an E-Sign version for your completion.**

If you have any questions, please feel free to contact [\_\_\_\_\_] or by email at [\_\_\_\_\_].

[INSERT CONTACT INFORMATION/ADMINISTRATOR PHONE NUMBER AND EMAIL]

ALL INFORMATION IN THIS E-MAIL IS INTENDED ONLY FOR THE PRIVATE, CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT. This transmission may contain attorney-client communications and/or attorney work product, and as such is private and confidential. If you are not the designated recipient of this message, or an agent of the designated recipient responsible for transmitting this message to the designated recipient, then you have received this message in error. If you have received this message in error, please notify the sender immediately and delete this message and all copies.

