

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:21-cv-290**

MIRANDA HATHAWAY, by and through  
biological mother, natural guardian, next  
friend and guardian ad litem ANGELA  
HATHAWAY, and on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

SMALLCAKES STEELE CREEK, LLC,  
SMALLCAKES BALLANTYNE, LLC, IAN  
BOWLEG and AYANNA BOWLEG,

Defendants.

**CONSENT TO BECOME PARTY PLAINTIFF**

By signing below, I state that I have been employed by Smallcakes Steele Creek, LLC, Smallcakes Ballantyne, LLC, Ian Bowleg and/or Ayanna Bowleg (collectively, “Defendants”) at some point between June 16, 2018 and the present. I hereby consent and agree to opt-in to become a plaintiff in a lawsuit brought under the Fair Labor Standards Act (hereinafter “FLSA”), 29 U.S.C. § 201 et seq., to recover tipped wages, unpaid wages, compensatory damages, liquidated damages, and attorneys’ fees for harms suffered as a result of Defendants’ violations of the FLSA.

I hereby designate GessnerLaw, PLLC to represent me for all purposes of this action. By signing and returning this Consent to Become Party Plaintiff, I understand that if accepted for representation, I will be represented by GessnerLaw, PLLC without prepayment of costs or attorneys’ fees. I understand that if a monetary recovery is obtained from Defendants, costs expended by GessnerLaw, PLLC on my behalf will be deducted pro rata from my settlement or

judgment first. I understand that GessnerLaw, PLLC may petition the court for an award of fees and costs to be paid by Defendants on my behalf. I understand that the fees retained by GessnerLaw, PLLC will be either the amount of attorneys' fees received from Defendants that are specifically designated as attorneys' fees through settlement or judgment, or 40% of my settlement or judgment amount, whichever is greater, subject to review and approval by the Court. I understand that if the case is not successful, I will not be obligated to pay any fees or costs incurred by GessnerLaw, PLLC.

I also designate Miranda Hathaway as my agent to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, and all other matters pertaining to this lawsuit. I further agree to be bound by any collective action settlement herein approved by my attorneys and approved by this Court as fair, adequate, and reasonable.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

(If under 18 years of age) Guardian Name \_\_\_\_\_

Guardian Signature \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

Complete and Mail, Email or Fax to:  
GESSNERLAW, PLLC  
ATTN: Smallcakes Lawsuit  
602 East Morehead Street  
Charlotte, NC 28202  
Phone: (704) 234-7442; Fax: (980) 206-0286  
Email to: [michelle@mgessnerlaw.com](mailto:michelle@mgessnerlaw.com)