

COURT AUTHORIZED NOTICE

Droesch v. Wells Fargo Bank, N.A.
U.S. District Court, Northern District of California
Case Number 20-cv-06751-JSC

If you worked for Wells Fargo Bank in a call center and handled inbound telephone calls from customers between January 1, 2018 and May 31, 2021, please read this notice.

The purpose of this Notice is to advise you that a lawsuit has been filed against Wells Fargo Bank, N.A. (“Wells Fargo”), and to inform you of your legal rights in connection with that suit. You should read this notice carefully.

You may be eligible to participate in this lawsuit if:

1. You were employed by Wells Fargo Bank, N.A between January 1, 2018 and May 31, 2021, in one of several certain call-center positions January 1, 2018 and May 31, 2021; and
2. You complete and timely return a “Consent to Join” Form in the above referenced case by **[date here]**.

What is this Lawsuit About?

On September 28, 2020, Denise Droesch and Shakara Thompson filed a lawsuit in the U.S. District Court for the Northern District of California, alleging that Wells Fargo Bank, N.A. (“Wells Fargo” or “Defendant”) failed to pay them, and other employees who worked in call centers and handled inbound telephone calls from customers, overtime wages for work performed prior to and after the conclusion of their scheduled shift times (the “Lawsuit”). Plaintiff Thompson now asserts these claims as a collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), on behalf of herself and similarly situated employees who worked for Wells Fargo.

Wells Fargo has, at all times, disputed Ms. Droesch’s and Ms. Thompson’s claims and has consistently maintained that they and the individuals whom they seek to represent were paid appropriately. Wells Fargo also contends that this action should not proceed as a collective action and may seek decertification of the collective action before trial.

The Court has not reached any conclusions about the merits of the case, and there has been no finding of wrongdoing by Wells Fargo.

Why am I Receiving this Notice?

The Court has allowed the issuance of the Notice to you because Wells Fargo’s records show that you were employed in a covered position in the timeframe relevant in this case. The Court has made no determination on the merits of the Lawsuit at this stage.

Your receipt of this Notice does not necessarily mean that you will be eligible to participate in the Lawsuit, or that you are owed any overtime wages by Wells Fargo. Those eligible individuals who elect to participate in the Lawsuit (i) may receive a payment if Plaintiff prevails at the conclusion of the case, or (ii) may receive nothing if Wells Fargo prevails.

What are My Options?

1. You may join the lawsuit as a plaintiff of record by timely completing the attached Consent Form online or sending it to the administrator (who will coordinate its filing with the Court). This Consent Form must be postmarked no later than [date].
2. You may decline to join the lawsuit by taking no action. If you do not join the lawsuit, you will not be deemed a party to the lawsuit, and you will not be bound by any ruling or judgment of the Court.

What Happens If I Join the Lawsuit?

By joining this lawsuit, you designate Plaintiff as your representatives and to the fullest extent possible, you designate Plaintiffs (with the assistance of 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 Plaintiff relating to the lawsuit will be binding on you if you join the lawsuit.

If you join the lawsuit, you may select your own counsel at your own expense, or you may agree that Plaintiff's counsel listed below will represent you. To be clear, you are not required to retain counsel. If the matter remains a collective action, your rights will be decided in the lawsuit, and you will be bound by any ruling, settlement, or judgment in the proceedings, whether favorable or unfavorable to you.

If you choose to be included in this collective action, you may be asked to provide documents, give sworn testimony in a deposition and/or in court, or other information regarding your employment at Wells Fargo. Your rights will be adjudicated in the Lawsuit, and you will be bound by the proceedings that take place before the Court, whether they are favorable or unfavorable to you.

If there is a recovery, Plaintiffs' attorneys will be compensated for their fees and costs either by receiving a portion of the recovery or by a separate payment by Wells Fargo (or a combination of the two), in an amount approved or determined by the Court. If there is no recovery, you will not be required to pay Plaintiff's attorneys for any of their fees or costs.

What Happens If I Do Not Join the Lawsuit?

If you do not join the Lawsuit, you will not be included and your rights under the FLSA will not be affected by any of the proceedings before the Court—whether they are favorable or unfavorable to you. Instead, you will retain your rights under the FLSA. This means that you will not be able to collect money from a favorable judgment or any settlement of the FLSA claims that is reached in this case. You will keep any rights to sue Wells Fargo separately about the same legal claims in this lawsuit, but the limitations period on your federal claim will continue to run.

No Retaliation

Whether you are a current or former employee of Wells Fargo, your decision to participate in the Lawsuit will in no way affect your employment, or prospects for future employment, with Wells Fargo.

Do I Need an Attorney?

If you sign the Consent to Join Form, you will be represented by Plaintiff's Counsel who are listed below. If you prefer to retain your own lawyer, however, you may do so at your own cost.

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Who is Representing Wells Fargo?

Wells Fargo is represented by Munger, Tolles & Olson LLP. Their contact information is below.

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Where Can I Get More Information About the Lawsuit?

You may access documents that have been filed with the Court in the Lawsuit through The Public Access to Court Electronic Records (PACER) service, which provides electronic public access to federal court records. PACER provides the public with instantaneous access to more than 1 billion documents filed at all federal courts. Registered users can: (1) Search for a case in the federal court where the case was filed, or (2) Search a nationwide index of federal court cases. The PACER Service Center can assist you at (800) 676-6856 between the hours of 8 a.m. and 6 p.m. CT Monday through Friday or by email at pacerc@psc.uscourts.gov. The case name, number, and location are all listed at the top of this Notice.

For more information about the Lawsuit or to obtain copies of the Lawsuit you may contact Counsel for Plaintiff at any of the three (3) addresses/phone numbers listed above on page three (3).

Please do not contact the Court regarding this matter.

The Court's staff cannot provide legal advice or answer any questions regarding this matter.