

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:20-cv-266-MOC**

ROBERT E. STAFFORD, JR., *on behalf of
herself and all others similarly situated,*

Plaintiffs,

v.

BOJANGLES' RESTAURANTS INC., a
North Carolina Corporation

Defendant.

**NOTICE OF COLLECTIVE ACTION
LAWSUIT**

TO: ALL CURRENT AND FORMER EMPLOYEES EMPLOYED BY BOJANGLES' RESTAURANTS INC., WHO WORK OR HAVE WORKED AS SHIFT MANAGERS FROM JULY 14, 2017 TO PRESENT:

I. INTRODUCTION

A lawsuit, captioned Robert E. Stafford, Jr., on behalf of himself and all others similarly situated, v. Bojangles' Restaurants Inc. has been filed in the United States District Court for the Western District of North Carolina, Civil Action No. 3:20-cv-266. Plaintiff Robert E. Stafford, Jr., ("Stafford" or "Plaintiff"), filed this lawsuit on behalf of himself and all current and former shift managers who are or have been employed by Bojangles' Restaurants Inc. Stafford alleges Defendant violated the Fair Labor Standards Act ("FLSA") by requiring and/or permitting them to work off the clock, that resulted in a failure to pay at least minimum wage, failing to pay for all hours worked and failing to pay an overtime premium for all overtime hours worked in excess of 40 hours per week, thus denying shift managers payment of all earned wages and overtime wages. You are receiving this Notice because you are "similarly situated" to the Plaintiff and are eligible to join this lawsuit. This letter advises you how this lawsuit may affect your rights and instructs you on how to join if you choose.

II. DESCRIPTION OF THE LAWSUIT

On July 14, 2020, Stafford filed an Amended Complaint alleging Defendant violated the FLSA by requiring and/or permitting himself and all similarly situated shift managers to work off the clock, resulting in a failure to pay at least minimum wage, failing to pay for all hours worked and failing to pay an overtime premium for all overtime hours worked in excess of 40 hours per week. Stafford asks the Court to order Defendant to pay him and anyone else who joins this lawsuit unpaid minimum wages, overtime wages, statutory penalties, attorneys' fees and costs.

III. WHO CAN JOIN THIS LAWSUIT

Stafford has filed this lawsuit on behalf of:

1. himself; and
2. any shift manager who is or has been, at any time from July 14, 2017 to the present, employed by the Defendant.

IV. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

You may join this lawsuit by completing and sending a signed copy of the attached "Consent to Join" form to Stafford's lawyer via e-mail, facsimile or U.S. mail to the following:

GESSNERLAW, PLLC
ATTN: BoJangles' Unpaid Wage Lawsuit
602 East Morehead Street
Charlotte, NC 28202
Phone: (704) 234-7442; Fax: (980) 206-0286
Email to: michelle@mgessnerlaw.com

You have 60 days to respond to this Notice should you decide to participate in this lawsuit. If you choose to join the lawsuit, this form must be returned on or before **Friday, January 29, 2021.**

V. EFFECT OF JOINING THIS LAWSUIT

If you choose to join in this lawsuit, you will be bound by the judgment or settlement, whether it is favorable or unfavorable. The attorneys representing you in this lawsuit are being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorneys' fee. If there is a recovery, the attorneys representing you will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. If you join the lawsuit, you will designate Stafford as your agent to make decisions on your behalf concerning the litigation, the method, and manner of conducting this litigation, the entering of an agreement with Stafford's counsel concerning attorney's fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by Stafford will be binding on you if you join this lawsuit.

VI. 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. If you choose not to join in this lawsuit, you are free to file, or not to file, your own lawsuit. The statute of limitations will continue to run on your claim until you join this lawsuit or file your own.

VII. NO RETALIATION PERMITTED

If you choose to join this lawsuit, federal law prohibits Defendant from retaliating against you or in any manner discriminating against you because you have done so.

VIII. YOUR LEGAL REPRESENTATIVE IF YOU JOIN THIS LAWSUIT

If you join this lawsuit, counsel for Stafford listed below will represent your interests:

**L. Michelle Gessner
GESSNERLAW, PLLC
602 East Morehead Street
G.G. Galloway House
Charlotte, NC 28202
Phone: (704) 234-7442; Fax (980) 206-0286
Email to: michelle@mgessnerlaw.com**

IX. FURTHER INFORMATION

Further information about the lawsuit or this notice may be obtained by contacting Stafford's attorney at the address or phone number provided above.

***You must timely return this form to preserve your rights**