
**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DANIEL GONZALEZ, JOHN FRYE,
and TONY ORTIZ, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

Case No. 5:23-cv-00222-SSS-SHK

CITY OF LOS ANGELES, a public entity;
and DOES 1 through 100, inclusive,

Defendants.

NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN

TO: All persons who have been employed by the City of Los Angeles in the Los Angeles Fire Department at any time starting June 7, 2020 to the present, in one or more of the following job positions: Firefighter III, Paramedic, Firefighter III Paramedic, Apparatus Operator, Engineer, Fire Captain I, Fire Captain II, Fireboat Pilot, Fireboat Mate, Fire Helicopter Pilot I, Fire Helicopter Pilot II, Fire Helicopter Pilot III, Fire Helicopter Pilot IV, and Fire Helicopter Pilot V.

I. INTRODUCTION

The purpose of this notice is to inform you of an FLSA overtime lawsuit that is pending in the US District Court for the Central District of California, to advise you of how your legal rights may be affected by either joining or not joining this lawsuit, and to advise you on the procedure for participating in this lawsuit, should you choose to do so.

II. DESCRIPTION OF THE LAWSUIT

On February 10, 2023, Plaintiffs Daniel Gonzalez, John Frye, and Tony Ortiz (“Plaintiffs”) filed a lawsuit against Defendant the City of Los Angeles (the “City”) on behalf of themselves and other similarly situated employees of Los Angeles Fire Department (“LAFD”) who worked on platoon shifts. The lawsuit alleges that the City required Plaintiffs and similarly situated LAFD employees who provided early relief to be held over at the end of their platoon shift while waiting for relief or because of a recall, between 6:30 a.m. and until up to 8:00 a.m., without proper overtime pay in violation of the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* Plaintiffs seek to recover back pay in an amount equal to the alleged unpaid overtime wages and liquidated damages (double damages) on behalf of themselves and other similarly situated employees.

The City denies the allegations in the complaint and maintains that Plaintiffs and similarly situated individuals were properly paid in accordance with the FLSA.

III. YOUR RIGHT TO JOIN THIS CASE

The United States District Court for the Central District of California has authorized that this notice be sent to all persons who have potential claims. However, the Court has made no decision about the merits of this case at this time. You may be eligible to participate in this lawsuit if you meet both of the following criteria:

- 1) You were employed by the City of Los Angeles in the Los Angeles Fire Department at any time since June 7, 2020 to the present, in one or more of the following job positions: Firefighter III, Paramedic, Firefighter III Paramedic, Apparatus Operator, Engineer, Fire Captain I, Fire Captain II, Fireboat Pilot, Fireboat Mate, Fire Helicopter Pilot I, Fire Helicopter Pilot II, Fire Helicopter Pilot III, Fire Helicopter Pilot IV, and Fire Helicopter Pilot V; and

- 2) You made relief on a platoon shift prior to 6:30 a.m. and were held over while waiting for relief or as a result of a limited recall after 6:30 a.m. the next day, without receiving additional pay for time worked between 6:30 a.m. and 8:00 a.m. or whenever you were relieved or released.

You may join the lawsuit by mailing, emailing, or faxing the enclosed Plaintiff Consent Form to Plaintiff's Counsel to file with the Court:

Nichols Kaster, LLP
Attn.: Matthew C. Helland
4700 IDS Center, 80 South Eighth Street
Minneapolis, MN 55402
Telephone: (310) 853-6945 (no faxes to this number)
Fax: (612) 215-6870
Email: LAFDForms@nka.com
Electronic Submission:



The Plaintiff Consent Form must be postmarked or electronically submitted to Plaintiff's Counsel on or before **September 29, 2023** in order for you to participate in the lawsuit.

IV. EFFECT OF JOINING THIS CASE

If you join this lawsuit by filing a Plaintiff Consent Form, your interests will be represented by Plaintiffs' Counsel: Nichols Kaster, LLP and Public Employees Legal, LLP. You also designate Plaintiffs' Counsel to make decisions regarding the course of the lawsuit and any settlement discussions in connection with this lawsuit. You will be bound by any ruling or judgment by the Court, whether favorable or unfavorable.

The attorneys have taken this case on a contingency fee basis. This means that they will only be paid if there is a monetary recovery through a settlement, judgment, or award in your favor. If there is a recovery, the attorneys will receive a part of any money judgment, award, or settlement obtained in your favor. You will not have to pay the attorneys out of your own pocket. The details will be fully outlined in a separate fee agreement with Plaintiffs' Counsel that will be sent to you if you decide to join this case.

V. EFFECT OF NOT JOINING THIS CASE

If you do not wish to be part of this lawsuit, you need not do anything. If you do not join the lawsuit, you will not be part of the case in any way and you will not be bound by or affected by the result, whether favorable or unfavorable. Your decision not to join this lawsuit will not affect your right to bring a similar case on your own in the future. However, claims under the Fair Labor Standards Act must be brought within two years, unless the employer's violation of the law was willful, in which case the claims must be brought within three years of the alleged violation. If you choose not to join in this action or file your own action, some or all of your potential claims may later be reduced or barred by the statute of limitations.

VI. NO RETALIATION PERMITTED

The law does not allow the City of Los Angeles to retaliate against its employees for participating in a lawsuit against the City.

THIS NOTICE AND ITS CONTENT HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA. THE COURT HAS TAKEN NO POSITION IN THIS CASE ABOUT THE MERITS OF PLAINTIFFS' CLAIMS OR DEFENDANT'S DEFENSES. DO NOT CONTACT THE COURT ABOUT THIS NOTICE.