

NOTICE OF PENDENCY OF CLASS ACTION

*A court authorized this notice. This is not a solicitation from a lawyer.
DeVito, et al. v. Longwood Security Services, Inc., et al.
Suffolk Superior Court, Case No. 1384CV01724*

If you were, or currently are, employed as a security officer at Longwood Security Services, Inc., a class action lawsuit may affect your rights.

Three former employees of Longwood Security Services, Inc., Dean DeVito, Jason Oliveira, and Alex Velazquez (“the plaintiffs”), have sued Longwood Security Services, Inc. and John T. Connelly, claiming violations of the Massachusetts Wage Act. Specifically, the plaintiffs claim that security officers were working during their unpaid so-called break time and that Longwood violated Massachusetts law by not paying them.

A Massachusetts superior court allowed the lawsuit to proceed as a class action, and certified the following class:

All security officers employed by Longwood during the six-year period prior to the commencement of this action who were not paid for meal breaks.

The Court has not decided whether defendants did anything wrong.

Why did I receive this Notice?

Longwood’s personnel records indicate that you worked as a security officer for Longwood during the past six years and were not paid for breaks. You are therefore a member of the class, on whose behalf the plaintiffs are bringing this lawsuit. This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. Judge Shannon Frison of the Massachusetts Superior Court is overseeing this lawsuit, which is known as *DeVito, et al. v. Longwood Security Services, Inc., et al.*

Under Massachusetts law, Longwood may not take any adverse action against class members for participating in this lawsuit.

What is the lawsuit about?

The plaintiffs in this lawsuit allege that Longwood violated the Massachusetts Wage Act in two ways. First, that Longwood’s policy of automatically deducting meal break time from security officers’ pay was unlawful because security officers were not fully relieved of all work duties while on break. For example, Longwood deducted thirty minutes from security officers’ pay for a meal break, but also required security officers to keep their radios on and respond to calls during their breaks. Longwood also required officers to stay in uniform, and stay within a certain distance of their posts during lunch and break times. Under Massachusetts law, break and meal time can only be deducted from an employees pay if the employee is fully relieved of all work duties for the entire break or meal time.

Second, the plaintiffs allege that Longwood knew or should have known that officers missed some breaks entirely, and had a duty to pay them for those missed breaks. Massachusetts law requires employers, not employees, to keep track of time worked. Plaintiffs claim that employers cannot pass this duty off to their employees.

What is a class action?

In a class action lawsuit, one or more persons (called a “plaintiff” or “class representative”) sues on behalf of others who have similar claims. Together, they are typically called a “class” or “class members.” Accordingly, individuals who worked as security officers for Longwood during the past six years are considered part of the class, or class members. Longwood Security Services, Inc., the company being sued, and John Connelly, are called the defendants. In a class action lawsuit, one court resolves the issues for everyone in the class.

Why is this a class action?

The Court decided that this lawsuit can proceed as a class action because the plaintiffs allege that the defendants treated all class members alike. Thus, the lawsuit meets the requirements of Massachusetts Rule of Civil Procedure 23, which governs class actions in state court. Class actions are frequently brought when there are many people who claim to have been similarly affected but litigating each claim individually would be impracticable.

What are the plaintiffs asking for?

Plaintiffs are seeking to recover the unpaid wages owed to each class member as a result of Longwood’s allegedly unlawful policies. Violations of the Massachusetts Wage Act result in treble damages to the injured worker, meaning that if the plaintiffs prevail at trial, they will be entitled to ask the Court to triple the amount of unpaid wages owed to each class member. Plaintiffs also seek attorneys’ fees and litigation costs.

The lawyers representing you.

The Court appointed the following law firms to serve as counsel to represent you and all class members:

Nicholas F. Ortiz, Esq.
Law Office of Nicholas F. Ortiz, P.C.
99 High Street, Suite 304
Boston, MA 02110
(617) 338-9400
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Elizabeth Ryan, Esq.
Bailey & Glasser LLP
99 High Street, Suite 304
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(617) 439-6730 ext. 1603
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Should I get my own lawyer?

You do not need to hire your own lawyer because the lawyers appointed by the Court are working on your behalf. You may hire a lawyer and enter an appearance through your lawyer at your own expense if you so desire.

How will the lawyers be paid?

If the class prevails, the Court will be asked to approve reasonable fees and expenses for the lawyers who worked on the case and reimbursement for the litigation expenses they have advanced on behalf of the class. If the Court grants class counsel’s requests, fees and expenses would either be deducted from any money obtained for the class or paid separately by the defendants. Members of the class will not have to pay any attorneys’ fees or expenses.

How and when will the Court decide who is right?

If the claims against Longwood are not resolved by a settlement, class counsel will have to prove plaintiffs’ claims at trial. The trial date is set for June 13, 2016. During the trial, a jury will hear all of the evidence and decide whether Longwood’s compensation policies violated the law. Any judgment will be binding on all class members.

If plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

Getting more information:

For more detailed information on this litigation, please refer to the papers on file in this litigation, which may be inspected at the Office of the Clerk, Suffolk County Superior Court, 3 Pemberton Square, 12th floor, Boston, Massachusetts, 02108, or class counsel.

PLEASE DO NOT CONTACT THE CLERK OR THE COURT OF THE JUDGE REGARDING THIS NOTICE. INSTEAD, PLEASE DIRECT ANY INQUIRIES TO ANY OF THE CLASS COUNSEL LISTED ABOVE.

Dated: January 13, 2016