

Tamara Barrus  
on behalf of herself and all other employees similarly situated

*versus*

Dick's Sporting Goods, Inc. and  
Galyan's Trading Company, Inc.

05-CV-6253CJS



UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT OF  
NEW YORK



## OFFICIAL COURT NOTICE

PLEASE READ CAREFULLY TO PROTECT YOUR RIGHTS

YOU MUST RETURN THIS FORM NO LATER THAN  
MAY 13, 2009  
TO PARTICIPATE IN THIS CASE.

Have you at any time since July 5, 2002 been an hourly employee of Dick's Sporting Goods, Inc. or Galyan's Trading Company, Inc.? If so:

1. At any time since July 5, 2002, did you work through your lunch without pay while working at Dick's or Galyan's?
2. At any time since July 5, 2002, were you interrupted during your lunch break for work tasks and did not get paid for working through your lunch break while working at Dick's or Galyan's?
3. If you were an employee of Dick's or Galyan's, at any time since July 5, 2002, did you work more than 40 hours in one week without receiving overtime pay and receive time off or "retro pay" in a subsequent week instead?

If you answered "yes" to any of the three questions above, you are entitled to have this Court determine if you are owed money for not being paid overtime at time-and-a-half.

INSTRUCTIONS ARE LISTED ON THE REVERSE SIDE.  
PLEASE READ THEM ALL CAREFULLY.

Why is this notice being sent?

United States Magistrate Jonathan W. Feldman for the Western District of New York has ruled that all current and former employees since July 5, 2002, including you, who may be entitled to money from defendants should be given an opportunity to join this lawsuit. This Court expresses no view of the legal merits of the case at this stage of the lawsuit.

Why is there a lawsuit?

The plaintiffs in this case claim that defendants did not pay employees for all time worked, because employees time was docked for a lunch break when employees did not clock out for lunch, employees were often interrupted during their lunch breaks to perform work tasks and because some employees were offered "comp time" or retro pay when they worked over 40 hours in a week. When those hours worked totaled over 40 per week, employees are required to be paid time-and-one-half as required by the Fair Labor Standards Act. The defendant has defended vigorously claiming they did not violate the law.

What happens if I join the lawsuit?

If the Court finds that you should have been and were not paid overtime, the Court will award you damages. You will also be bound by the judgment, whether it is favorable or unfavorable. While this lawsuit is proceeding, you may be required to assist your attorney, answer written questions, sit for depositions, and/or testify in court.

What if I do not join the lawsuit?

You can receive no recovery in this lawsuit if you do not join. However, you are under no obligation to join.

How quickly must I act to join the lawsuit?

If you decide to join the lawsuit, you should act **at once**. Every day that passes in which you do not join the lawsuit potentially reduces any recovery you might receive due to the law's statute of limitations. To participate in this case, your Consent Form must be postmarked by May 13, 2009.

How do I join the lawsuit?

Please complete both of the enclosed forms (the informational sheet and the consent form) and return them in the postage paid envelope. Please note: you are not a member of the lawsuit until you return the enclosed consent form and the form is filed by the attorneys. You may select a lawyer of your choosing to represent you in this matter, or you may contact the lawyers for the current plaintiff listed below.

**Patrick J. Solomon, Esq.**  
**Dolin, Thomas & Solomon LLP**  
693 East Avenue  
Rochester, New York 14607

**Tel: (585) 272-0540 Fax: (585) 272-0574**

**E-mail: [info@theemploymentattorneys.com](mailto:info@theemploymentattorneys.com) Web: [www.theemploymentattorneys.com](http://www.theemploymentattorneys.com)**

*Do not contact the Court about this matter. The attorneys you retain will answer your questions.*  
Do not worry about joining if you are a current employee. Federal law prohibits Dick's from taking any negative action against you because you join this lawsuit. This Court will also make sure no action is taken against you because you joined this lawsuit.