

**IMPORTANT LEGAL MATERIALS**



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**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT**  
**IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**  
**GENERAL CIVIL DIVISION**

**If you were a student at Wolford College and participated in an internship program with North Tampa Anesthesia Consultants as a Student Registered Nurse Anesthetist (SRNA) after September 5, 2008, and you were not paid at least the minimum wage pursuant to Fla. Const. Art. X §24(c), a class action lawsuit may affect your rights.**

*A court authorized this notice. This is not a solicitation from a lawyer.*

- Former Student Registered Nurse Anesthetists (“SRNAs”) have sued North Tampa Anesthesia Consultants, Christopher Lombardi, Gabriel Perez, and Carlos Giamattei (“Defendants”) seeking unpaid minimum wage.
- The Court has allowed the lawsuit to be a class action on behalf of all former Wolford College students who participated in an internship program with North Tampa Anesthesia Consultants as SRNAs since September 5, 2008 and who were not paid at least the minimum wage pursuant to Fla. Const. Art. X §24(c).
- The Court has not decided whether the above-named Defendants did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>DO NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b> By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Defendants separately about the same legal claims in this lawsuit.
<b>ASK TO BE EXCLUDED</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b> If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Defendants separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before **November 26, 2019**.
- Lawyers must prove the claims against Defendants at a trial which has yet to be scheduled. If money or benefits are obtained from Defendants, you will be notified about how to ask for a share.

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## BASIC INFORMATION

### 1. Why did I get this notice?

Records show that you participated in an internship program with North Tampa Anesthesia Consultants as a SRNA while attending Wolford College. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made on your behalf are correct. Judge Chet A. Tharpe of the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida is overseeing this class action. The lawsuit is known as *Scott Babcock and David Montney, Jr. v. North Tampa Anesthesia Consultants, et al*, Case No: 13-CA-011371.

### 2. What is this lawsuit about?

This lawsuit is about whether or not Defendants were required to pay SRNAs the minimum wage provided by the Florida Constitution.

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case Scott Babcock and David Montney, Jr.) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The people who sued—and all the Class Members like them—are called the Plaintiffs. The company or people they sued (in this case North Tampa Anesthesia Consultants, Christopher Lombardi, Gabriel Perez, and Carlos Giamattei) are called the Defendants. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

### 4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Florida Rule of Civil Procedure 1.220, which governs class actions in Florida courts.

## THE CLAIMS IN THE LAWSUIT

### 5. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs are seeking unpaid minimum wages from Defendants.

### 6. How do Defendants answer?

Defendants deny that they were required to pay Plaintiffs the minimum wage provided by the Florida Constitution.

### 7. Has the Court decided who is right?

The Court hasn’t decided whether Plaintiffs or the Defendants are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial to be scheduled in the future. (See “The Trial” below on page 5.)

### 8. What are the Plaintiffs asking for?

The Plaintiffs are asking for unpaid minimum wages and liquidated damages (an additional amount equal to any wages due) for all hours incurred at North Tampa Anesthesia Consultants.

### 9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, and you have not asked to be excluded as set forth below, you will be notified about how to ask for a share.

## WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

### 10. Am I part of this Class?

The Court decided that all former Wolford College students who were SRNAs at North Tampa Anesthesia Consultants after September 5, 2008 and were not paid at least the minimum wage are Class Members.

### 11. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing to the lawyers in this case, at the phone number or address listed in question 21.

## YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

### 12. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, Defendants—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

### 13. Why would I ask to be excluded?

You may ask to be excluded if you do not believe that Defendants owe you minimum wages for the time that you were an SRNA at North Tampa Anesthesia Consultants as an SRNA for clinical experience.

Also, if you already have your own lawsuit for unpaid minimum wages against Defendants and want to continue with it, you need to ask to be excluded from the Class.

If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting-out” of the Class—you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Defendants and the Plaintiffs. However, you may then be able to sue or continue to sue Defendants for unpaid minimum wages. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against Defendants after you exclude yourself, you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Defendants, you should talk to a lawyer soon, because your claims may be subject to a statute of limitations.

### 14. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail stating that you want to be excluded from Scott Babcock and David Montney, Jr. v. North Tampa Anesthesia Consultants, et al, Case No: 13-CA-011371. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by **November 26, 2019** to: *Scott Babcock and David Montney, Jr. v. North Tampa Anesthesia Consultants, et al* at 304 S. Belcher Rd., Suite C, Clearwater, FL 33765. You may also get an Exclusion Request form at the website, [www.norhtampacrnalawsuit.com](http://www.norhtampacrnalawsuit.com).

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in this case?

The Court decided that the law firms of Kwall Barack Nadeau PLLC of Clearwater, Florida, and Weldon & Rothman, P.L. of Naples, Florida are qualified to represent you and all Class Members. Together the law firms are called “Class Counsel.” They are experienced in handling similar cases. More information about these law firms, their practices, and their lawyers' experience is available at [www.employeerights.com](http://www.employeerights.com) and [www.weldonrothman.com](http://www.weldonrothman.com).

**16. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

**17. How will the lawyers be paid?**

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendants.

**THE TRIAL**

The Court has not yet scheduled a trial to decide who is right in this case.

**18. How and when will the Court decide who is right?**

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial has not yet been scheduled. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

**19. Do I have to come to the trial?**

You do not need to attend the trial, unless lawfully subpoenaed to appear. Class Counsel will present the case for the Plaintiffs, and Defendants will present the defenses. You or your own lawyer are welcome to come at your own expense. In addition, you may be subpoenaed to provide deposition testimony prior to the trial, which is true whether you are part of the class or not.

**20. Will I get any money after the trial?**

It is uncertain whether Plaintiffs will prevail and obtain money or benefits for the Class. If the Plaintiffs do obtain money or benefits as a result of the trial or a settlement, you will then be notified about how to participate. We do not know whether this will occur or how long this will take.

**GETTING MORE INFORMATION**

**21. Are more details available?**

You may also speak to one of the lawyers by calling 727-441-4947, or by writing to: *Scott Babcock and David Montney, Jr. v. North Tampa Anesthesia Consultants, et al* at 304 S. Belcher Rd., Suite C, Clearwater, FL 33765.

DATE: August 28, 2019

