

**NOTICE OF RIGHT TO JOIN  
OVERTIME CASE AGAINST DIGITAL DISH, INC.**

*Musarra, et al. v. Digital Dish Inc.*,  
Civil Action No. 2:05-CV-00545  
Southern District of Ohio

**A Court Ordered this Notice. It is not a solicitation from a lawyer.**

We have been authorized by the United States District Court for the Southern District of Ohio to notify you, as a current or former employee of Digital Dish Inc. that a lawsuit seeking overtime pay for Technicians has been brought and, by sending in the attached opt-in consent, you may join that lawsuit.

Technicians include all workers who were employed to install, or service satellite dishes, receivers, and other audio-visual equipment at any time since August 10, 2005.

The Court's authorization to send this Notice does not reflect a judgment by a Court about whether any current or former Technician is entitled to overtime. Sending a Notice is separate from a determination on entitlement to overtime, and only informs you of your right under the Fair Labor Standards Act to participate in the case.

**To best preserve your rights if you worked more than 40 hours per week for Digital Dish and were not paid overtime, regardless if you reported that you worked 40 hours or were paid by the job, you must take immediate action: You must sign and return the opt-in consent found on the last page of this Notice.**

The opt-in consent must be returned to:

Robert E. DeRose  
BARKAN NEFF HANDELMAN MEIZLISH, LLP  
360 South Grant Avenue  
P.O. Box 1989  
Columbus, Ohio 43216-1989  
(614) 221-4221 Toll-free 800-274-5297  
Email: bderose@bnhmlaw.com

This Notice is given to you in the belief that you worked as a technician for Digital Dish and worked more than 40 hours per week, and did not receive overtime pay. Your right to overtime pay may be affected by this lawsuit. Please read this Notice carefully to determine if your rights are affected.

This Notice explains:

1. What the purpose of this notice is.
2. Who may join this lawsuit.
3. A description of the lawsuit.
4. What claims will be pursued on your behalf.
5. What you must do to participate in this lawsuit.
6. Your right to not participate in this lawsuit.
7. How you will be affected if you join this lawsuit.
8. No retaliation is permitted.
9. Who will represent you if you join this lawsuit.
10. What to do if you want additional information.
11. Who represents defendant.

## **1. PURPOSE OF THIS NOTICE**

The purpose of this Notice is to inform you that you may be a member of the Plaintiff class in a class action lawsuit, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit.

## **2. WHO MAY JOIN THIS LAWSUIT**

All current and former employees of Digital Dish, Inc. who were employed as Job Based Technicians in the state of Ohio during any period of time since August 10, 2005. This group of employees is called the “Plaintiff Class.”

## **3. DESCRIPTION OF THE LAWSUIT**

This lawsuit is brought in the United States District Court for the Southern District of Ohio under the caption *Musarra, et al. v. Digital Dish, Inc.*, No. 2:05-CV-544 (S.D. Ohio). The case is assigned to United States District Judge Algenon Marbley and Magistrate Judge Nora King.

The Plaintiffs in the lawsuit are eleven individuals who are/were trained and

employed by Digital Dish, Inc. (“Digital Dish”) as Job Based Technicians. The Plaintiffs believe they are entitled to recover from Digital Dish unpaid overtime wages, attorney’s fees, costs, and liquidated damages under the federal Fair Labor Standards Act. The Plaintiffs assert that they are entitled to time-and-one-half overtime compensation for all time spent working over 40 hours in any workweek because, contrary to federal law, they regularly worked in excess of 40 hours per week and were not paid overtime.

Digital Dish denies any wrongdoing. Digital Dish alleges that the subject employees were properly paid under the FLSA.

The Court has not yet decided whether Plaintiffs or Digital Dish are correct. The right to recover for any employee has not been established and is not guaranteed or certain.

**4. WHICH CLAIMS, IF ANY, WILL BE PURSUED ON YOUR BEHALF – A DESCRIPTION OF THE STATUS OF THE FEDERAL CLAIM**

Plaintiffs filed this lawsuit on behalf of themselves and all other persons who fit within the Plaintiff Class defined in Section 2 above. Plaintiffs subsequently asked the Court to “certify” the federal claims, which means that they asked the Court to allow them to continue to seek payments for lost overtime benefits and other damages for all members of the Class, and not just for themselves.

The Court has conditionally certified the federal claim, and ruled that each person who fits within the Class defined in Section 2 above may seek a payment under the federal law (the FLSA) by signing up for this lawsuit in the manner described in Section 5 below. If you sign up for this lawsuit, the attorneys and law firms listed in Section 9 below will seek a payment for you under the federal law.

**5. WHAT YOU MUST DO IN ORDER TO PARTICIPATE IN THIS LAWSUIT**

If you fit within the Plaintiff Class defined in Section 2 above, and you wish to seek a payment in this lawsuit under the federal law, you must complete the enclosed Notice of Consent form and mail it to the address at the bottom of the form. If you decide to send in a Notice of Consent form, you should do so as soon as possible, because the time period for which you can seek a payment for your unpaid overtime wages under the federal law will depend on when this form is

filed. You may not recover under federal law for any work performed more than three years and seven days before your Notice of Consent form is filed. **In any event, the form must be postmarked on or before July 2, 2008.**

If you fit within the Plaintiff Class defined in Section 2 above, and you do not send in a Notice of Consent form on or before the Court-ordered deadline of **July 2, 2008**, you will not be allowed to participate in this lawsuit. If you do not send in a Notice of Consent form by the deadline, counsel will not be allowed to seek a payment for you in this lawsuit.

## **6. YOUR RIGHT TO NOT PARTICIPATE IN THIS LAWSUIT**

You do not have to participate in this lawsuit. If you fit the Plaintiff Class definition in Section 2 above, and you do not wish to seek a payment in this lawsuit or you wish to bring your own lawsuit, you do not have to do anything at this time. You are free to retain an attorney other than the attorneys listed in Section 9 below to either seek independent legal advice or to commence an independent lawsuit in an appropriate.

## **7. HOW YOU WILL BE AFFECTED IF YOU JOIN THIS LAWSUIT**

If you elect to join this lawsuit, you will be bound by any judgment entered by the Court in this case. Your interests will be represented by the law firms and attorneys listed in Section 9 below. These attorneys are being paid on a contingency basis, which means that if there is no recovery, there will be no attorneys' fees. If there is a recovery, the attorneys either will receive a part of that recovery or will seek to have their attorney's fees covered by Digital Dish. If you elect to join this lawsuit, you may also be required to provide information, give a deposition, and/or testify in court. Your refusal or failure to participate in providing information or testimony may result in your dismissal from this lawsuit.

## **8. NO RETALIATION PERMITTED**

Federal law prohibits Digital Dish from discharging or in any other manner discriminating against you because you have elected to participate in this lawsuit.

**9. YOUR LEGAL REPRESENTATION IF YOU JOIN THE LAWSUIT**

If you participate in this lawsuit, you will be represented by:

**Robert E. DeRose**  
**Robert K. Handelman**  
**Barkan Neff Handelman Meizlish, LLP**  
**360 South Grant Avenue**  
**P.O. Box 1989**  
**Columbus, OH 43216**  
**(614) 221-4221**  
**800-274-5297**  
[www.bnhmlaw.com](http://www.bnhmlaw.com)

**Edward R. Forman**  
**John S. Marshall**  
**Marshall and Morrow, LLC**  
**111 West Rich Street**  
**Suite 430**  
**Columbus, OH 43215-5296**  
**(614) 463-9790**  
[www.marshallandmorrow.com](http://www.marshallandmorrow.com)

**10. FURTHER INFORMATION**

Further information about this Notice, the attached Notice of Consent form, or this lawsuit may be obtained by telephoning the above attorneys at **800-274-5297** or **bderose@bnhmlaw.com**.

**11. DEFENDANT DIGITAL DISH IS REPRESENTED BY:**

Jill S. Kirila  
Amy Ruth Ita  
Squire, Sanders & Dempsey, L.L.P.  
1300 Huntington Center  
41 South High Street  
Columbus, OH 43215  
(614) 365-2700

**THIS NOTICE HAS BEEN AUTHORIZED BY THE HONORABLE ALGENON MARBLEY OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR OF DIGITAL DISH'S DEFENSES.**