

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OFFICIAL COURT-ORDERED NOTICE  
(THIS IS NOT A SOLICITATION FROM A LAWYER)

To: **All current and former General Managers (“GMs”) employed by Capital Vision Services, LLC d/b/a MyEyeDr (“MyEyeDr” or “Defendant”) at any of MyEyeDr’s retail locations in the United States at any time on or after February 11, 2019 (“GM Collective”); and**

**All current and former GMs who were hired from outside of MyEyeDr, and spent a week or more in training (“General Managers In Training” or “GMITs”), employed by MyEyeDr at any of MyEyeDr’s retail locations in the United States at any time on or after February 11, 2019 (“GMIT Collective”).**

**This Notice is not an expression by the Court of any opinion concerning the alleged claims. The Court has not made any ruling or expressed any opinion regarding the merits of this case. This Notice simply informs you of the pendency of this litigation and your rights to join, or not join, the lawsuit as a party plaintiff.**

*You may have rights under a collective action lawsuit.*

- Plaintiffs Mary Alice Clark, Christopher Coulter, Aaron Perez, and Kevin Nelson have brought a lawsuit against MyEyeDr entitled, *Clark, et al. v. Capital Vision Services, Inc. d/b/a MyEyeDr, Inc.*, No. 1:22-cv-10236-DJC (D. Mass). 17 other GMs, 6 of whom also worked as GMITs, joined this lawsuit making similar claims for unpaid overtime wages. In the lawsuit, the Plaintiffs claim that during their employment with MyEyeDr as GMITs and GMs, MyEyeDr failed to pay them overtime as required by the Fair Labor Standards Act (“FLSA”) because MyEyeDr misclassified them as exempt employees.
- MyEyeDr disputes these allegations and maintains that it has at all times paid all its GMITs and GMs properly, and correctly classified them as management employees who are exempt from overtime. MyEyeDr also disputes that the case may be maintained as a collective or class action.
- The Court has allowed this Notice under the FLSA to be sent to all persons who are or were formerly employed by MyEyeDr as a GMIT or GM in a MyEyeDr store in the United States at any time since February 11, 2019.
- Your legal rights to participate in the FLSA claims in this lawsuit will be affected by the choice that you make now.

### **I. Why Did I Get This Notice and What Is The Lawsuit About?**

This Notice is to tell you of the existence of the litigation and inform you of your rights. The choice whether to join this lawsuit is yours.

### **II. What Are My Choices?**

If you are or were employed by MyEyeDr as a GMIT or GM in the United States at any time since February 11, 2019, you are eligible to submit a Consent To Join form to join this lawsuit, which is enclosed.

If you wish to join this lawsuit, you must sign and complete the enclosed Consent To Join form, and this form must be postmarked or received by the Claims Administrator by October 18, 2022 at the address provided below so that your form may be filed with the Court. You may also fax or scan and email the completed form, or you may submit it electronically at [MyEyeDrOvertimeLawsuit.com](http://MyEyeDrOvertimeLawsuit.com).

If you do not wish to join this lawsuit, you should not return the enclosed Consent To Join form. Instead, you should simply take no action.

### **III. What Happens If I Join?**

If you join, the lawyers listed below can represent you and work with you to try to obtain any unpaid wages you may be owed. If you opt into this suit, there is some possibility that you may be required to provide sworn written answers to questions, documents in support, and/or sworn testimony in person or by remote (videoconferencing) means. The Court or jury will determine your rights to any money. You will have the status of and participate in the lawsuit as a party plaintiff, and you will be bound by the Court’s judgment with respect to plaintiffs’ FLSA claim, whether it is favorable or unfavorable to you, on all issues including settlement.

Plaintiffs are represented by:

<p>Sam J. Smith Loren B. Donnell Burr &amp; Smith, LLP 9800 4th St. N., Suite 200 St. Petersburg, Florida 33702 (813) 253-2010 rep@burrandsmithlaw.com</p>	<p>Gregg I. Shavitz Camar R. Jones Alan L. Quiles Shavitz Law Group, P.A. 951 Yamato Rd., Suite 285 Suite 285 Boca Raton, Florida 33431 (561) 447-8888 <a href="mailto:info@shavitzlaw.com">info@shavitzlaw.com</a></p>	<p>Hillary Schwab Fair Work, P.C. 192 South Street Suite 450 Boston, Massachusetts 02111 (617) 607-3261 info@fairworklaw.com</p>
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By returning the Consent to Join form, you will join this lawsuit for purposes of the plaintiffs' federal law overtime claim and these attorneys will represent you. These attorneys will be paid on a contingency fee basis, which means that if there is no recovery, you will not have to pay any attorneys' fees and you will not owe the attorneys anything. If there is a recovery, these attorneys will receive a part of any settlement obtained or money judgment entered in Plaintiffs' favor and their fee will have to be approved by the Court. You will not have to pay out-of-pocket for representation by these attorneys. If you wish to retain your own attorney, you may do so at your own expense. In that case, you should not return your claim form to the Claims Administrator but instead should have your attorney file the form directly with the court.

#### **IV. And If I Do Not Join?**

If you do not join, you will not be bound by any judgment issued or settlement approved by the Court in this case with respect to the plaintiffs' federal claims – whether it is favorable or unfavorable. You will not be entitled to share in any amount that may be recovered by the plaintiffs on this claim if they are successful, but you may retain the right to bring your own claims. However, if you do not join, the statute of limitations will continue to run on any claim you may have, and you may lose your ability to assert this claim if you do not join.

#### **V. How Do I Join?**

Enclosed is a Consent To Join form. If you want to participate in this lawsuit, (1) you must sign and complete the enclosed Consent To Join form, and (2) you must submit the signed Consent To Join form to the Claims Administrator at the address below so that it is postmarked or received no later than October 18, 2022. Therefore, if you wish to join this lawsuit, it is extremely important that you read, sign, and mail back the consent form, in the enclosed prepaid envelope, as soon as possible. You may also fax or scan and email the completed Consent to Join form to:

*Clark, et al. v. Capital Vision Services, Inc. d/b/a MyEyeDr, Inc*  
c/o Settlement Administrator  
P.O. Box 26170  
Santa Ana, CA 92799  
Telephone: (877) 723-7131  
Fax: (714) 824-8591  
Website: MyEyeDrOvertimeLawsuit.com.  
Email: MyEyeDrOvertimeLawsuit@simpluris.com

You may also submit the Consent to Join Form to the Claims Administrator electronically by visiting [www.MyEyeDrOvertimeLawsuit.com](http://www.MyEyeDrOvertimeLawsuit.com).

Should you lose or misplace the enclosed Consent To Join form, please contact the Settlement Administrator at (877) 723-7131.

#### **VI. Will My Participation Affect My Employment?**

No. Federal law prohibits an employer from retaliating against you because you have joined this Lawsuit.

#### **VII. How Can I Get More Information?**

If you have questions, you may contact the Claims Administrator at (877) 723-7131. You may also contact counsel for Plaintiffs at 1-800-616-4000. The Court file in this case can also be examined in person at the U.S. Courthouse, District of Massachusetts, 1 Courthouse Way, Boston, MA 02210. Other than in-person requests to examine the file at the Clerk's office, no inquiries concerning this case should be directed to the Court or to the Clerk of the Court.

**The Notice has been ordered by the Court,  
Honorable Denise Casper, U.S.D.J.**

**This Notice is not an expression by the Court of any opinion concerning the alleged claims. This Notice simply informs you of the pendency of this litigation and your rights to join, or not join, the lawsuit.**