

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

MIGUEL APONTE AND AMADO
CORREA, ON BEHALF OF
THEMSELVES AND THOSE
SIMILARLY SITUATED,

Plaintiffs,

CASE NO.: 1:10-CV-04825-PKC

vs.

COMPREHENSIVE HEALTH
MANAGEMENT, INC., a Foreign
Profit Corporation,

Defendant. /

*This is a Court-Authorized Notice and is not a Solicitation from a Lawyer.
The Court Has Made No Finding as to the Merits of the Case at this Time.*

IF YOU ARE OR WERE, AT ANY TIME BETWEEN JUNE 21, 2007 TO THE PRESENT, A BENEFIT CONSULTANT WHO WAS NOT PAID OVERTIME COMPENSATION IF YOU WORKED MORE THAN FORTY HOURS WITHIN A WORKWEEK, A COLLECTIVE ACTION LAWSUIT MAY AFFECT YOUR RIGHTS.

- Miguel Aponte and Amado Correa (“Plaintiffs”), former Benefit Consultants who worked for Comprehensive Health Management, Inc., d/b/a Wellcare (“Wellcare”), have sued Defendant in Federal Court in Manhattan, New York alleging that Defendant improperly failed to pay them overtime hours worked in one or more work weeks during their employment with Defendant. Specifically, Plaintiffs allege that Defendant paid them a weekly salary, but failed to pay them overtime compensation when they worked more than forty (40) hours in a week based on Wellcare’s belief that Benefit Consultants did not qualify for overtime. Plaintiffs allege that they were misclassified and were entitled to overtime. The case name is *Aponte, et al. v. Comprehensive Health Management, Inc.*, Case No.: 1:10-cv-048245-PKC.
- Wellcare, Inc., Defendant in the lawsuit, maintains that they properly classified its Benefit Consultants as exempt from overtime and its employees were compensated as required under the FLSA.

- To date, **forty-six (46)** Benefit Consultants have consented to join the lawsuit.
- The Court has permitted Plaintiffs to send Notice to all similarly situated current and former Benefit Consultants of Defendant at any time between June 21, 2007 to the present, so that they may be permitted to “opt-in” to, or join, this lawsuit to assert their similar legal rights.
- The Court has not yet decided whether Defendant has done anything wrong or whether this case will proceed to trial. Defendant has denied all liability. There is no money available now and no guarantees that there will be. However, you have a choice to assert your legal rights in this case.

YOUR LEGAL RIGHTS & OPTIONS	
Do Nothing	Do Nothing. Lose Nothing (except resulting from the passage of time). By doing nothing, you retain your legal rights to bring a separate suit against WELLCARE (within the applicable statute of limitations period) for allegedly unpaid overtime compensation. If money or benefits are later awarded in this case, you will not share in them.
Ask to Be Included	Complete Opt-in Consent Form. By “opting in,” you gain the possibility of receiving money or benefits that may result from a trial or settlement, but you give up your right to separately sue WELLCARE for the same legal claims brought in this lawsuit.
Effect of Joining Suit	If you choose to join this lawsuit, you will be bound by the judgment. While the suit is pending, you may be required to provide information, sit for depositions, and testify in court. You will not be required to pay attorney’s fees directly. The Plaintiffs’ attorneys will receive a part of any money judgment entered in favor of the class.
Legal Representation if You Join	If you choose to join in the lawsuit, you will be represented by the Representative Plaintiffs through their attorneys as counsel for the class.

Your options are included in this Notice. To opt-in, you must complete the Opt-in Consent Form and forward it to the attorneys designated in the Notice on or before **January 9**, 2012. If you have any questions or concerns, please contact:

Andrew Frisch, Esquire
Carlos Leach, Esquire
Morgan & Morgan, P.A.
P.O. Box 4979
Orlando, FL 32802-4979
Tel: 877-667-4265
Fax: 407-420-5956
E-Mail: afrisch@forthepeople.com
E-Mail: cleach@forthepeople.com

The law prohibits anyone from discriminating or retaliating against you for taking part in this case. If you believe that you have been penalized, disciplined, punished, threatened, intimidated, or discriminated against in any way as a result of your receiving this notification, your considering whether to complete and submit the Notice of Consent, or your having submitted the Notice of Consent, you may contact Morgan & Morgan, P.A. at the number provided above.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

**MIGUEL APONTE and AMADO
CORREA, on behalf of themselves and
those similarly situated,**

CASE NO.: 1:10-cv-04825-PKC

Plaintiffs,

vs.

**COMPREHENSIVE HEALTH
MANAGEMENT, INC., a Foreign
Profit Corporation,**

Defendant. _____/

CONSENT TO BECOME OPT-IN PLAINTIFF

TO: THE COURT AND TO EACH PARTY AND COUNSEL OF RECORD:

By my signature below, I hereby authorize the filing and prosecution of the above-styled Fair Labor Standards Act action in my name and on my behalf by the above-representative Plaintiffs and designate the class representatives as my agents to make decisions on my behalf concerning the litigation, the method and manner of conducting the litigation, the entering of an agreement with Plaintiffs' counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____

Printed Name: _____

Street Address: _____

City, State, Zip: _____

Telephone No.: _____

Email Address: _____

PLEASE RETURN THIS FORM BY: **January 9, 2012**

TO: Carlos Leach, Esq., Andrew Frisch, Esq.
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