

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

v.

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

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

Defendant.

NOTICE OF LAWSUIT AND RIGHTS

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 DURING THE PAST SIX (6) YEARS, A “BENEFIT CONSULTANT” EMPLOYEE WHO WORKED IN EXCESS OF FORTY (40) HOURS WITHIN A WORK WEEK FOR WELLCARE IN NEW YORK STATE, AND WERE NOT PAID OVERTIME PREMIUM WAGES, THIS LAWSUIT MAY AFFECT YOUR RIGHTS.

Miguel Aponte and Amado Correa, former salary paid “Benefit Consultants” who worked for Comprehensive Health Management, Inc., d/b/a Wellcare (“Wellcare”), have sued Wellcare in Federal District Court in Manhattan, New York alleging that Wellcare improperly failed to pay them overtime hours worked in one or more work weeks during their employment with Wellcare. Specifically, Mr. Aponte and Mr. Correa allege that Wellcare failed to pay them proper overtime compensation when they worked more than forty (40) hours in a week in violation of the Fair Labor Standards Act and New York Labor Law. Mr. Aponte and Mr. Correa filed this lawsuit on behalf of themselves and a class of similarly situated Benefit Consultants. Plaintiffs allege that Defendant violated the law by failing to pay them overtime.

Wellcare, the Defendant in the lawsuit, maintains that it properly classified its Benefit Consultants as exempt from overtime and its employees were compensated as required under the Fair Labor Standards Act and the New York Labor Law.

Since, Mr. Aponte and Mr. Correa have filed claims for overtime under both federal law (the Fair Labor Standards Act) and under New York State law (the New York Labor Law), there are two separate classes of claimants – a “federal class” and a “New York class.” **You have a choice to be part of both classes, neither of the classes, or one of the classes as explained below.** The potential damages are slightly different between the two classes. For example, the federal class has the opportunity to seek back wages for up to three years as well as double (or liquidated) damages. The New York class can seek back wages for six (6) years. Your legal rights and options are discussed below:

YOUR LEGAL RIGHTS & OPTIONS

DECIDE TO BE PART OF THE NEW YORK CLASS ONLY

YOU WILL BE INCLUDED AS PART OF THE “NEW YORK CLASS” UNLESS YOU AFFIRMATIVELY WITHDRAW FROM THIS CASE. THEREFORE, IF YOU DO NOTHING IN RESPONSE TO THIS NOTICE, YOU WILL REMAIN A PART OF THAT CLASS BUT NOT THE FEDERAL CLASS.

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 ATTORNEYS’ FEES DIRECTLY. HOWEVER, THE PLAINTIFFS’ ATTORNEYS MAY RECEIVE A PART OF ANY MONEY JUDGMENT ENTERED IN FAVOR OF THE CLASS, IF ANY.

DECIDE NOT TO BE PART OF EITHER CLASS OR THIS LAWSUIT

IF YOU DECIDE YOU DO NOT WANT TO BE PART OF THIS LAWSUIT AT ALL, YOU **MUST** COMPLETE THE ATTACHED FORM AND INDICATE THAT YOU DO NOT WANT TO BE INVOLVED IN EITHER CLASS IN THIS LAWSUIT. BY SELECTING THIS OPTION, YOU WILL NOT SHARE IN ANY MONEY OR BENEFITS AWARDED IN THIS LAWSUIT, IF MONEY OR BENEFITS ARE LATER AWARDED. YOU STILL, HOWEVER, RETAIN YOUR RIGHTS TO BRING A SEPARATE SUIT AGAINST WELLCARE (WITHIN THE APPLICABLE STATUTE OF LIMITATIONS PERIOD) SEEKING ALLEGED UNPAID OVERTIME COMPENSATION.

DECIDE TO BE PART OF BOTH CLASSES

IF YOU DECIDE YOU WANT TO BE PART OF BOTH CLASSES IN THIS LAWSUIT, YOU **MUST** COMPLETE THE ATTACHED FORM AND INDICATE THAT YOU WANT TO BE INVOLVED IN BOTH CLASSES. BY SELECTING THIS OPTION, YOU WILL SHARE IN ANY MONEY OR BENEFITS AWARDED IN THIS LAWSUIT, IF ANY. IF YOU SELECT THIS OPTION, YOU WILL BE BOUND BY

THE COURT'S RULING ON BOTH THE "FEDERAL" AND "NEW YORK" CLASS CLAIMS.

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TIMING OF YOUR DECISION

If you decide to be part of both classes or no class, you must complete the attached Election Form and return it to Mr. Aponte and Mr. Correa's attorney (at the address below) in sufficient time to be filed with the Federal Court on or before: **January 9, 2012**. If you do not return the Election Form, you automatically will be part of the New York class as described above.

Mr. Aponte and Mr. Correa are represented in this case by:

Andrew Frisch, Esquire
Carlos Leach, Esquire
Morgan & Morgan, P.A.
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Davie, Fl 33314
Tel: 954-318-0268
Fax: 954-333-3515
E-Mail: afrisch@forthepeople.com
E-Mail: cleach@forthepeople.com

If you have any questions about this Notice or the lawsuit, you may contact the Plaintiffs' attorneys.

Wellcare is represented in this case by:

Peter C. Moskowitz, Esquire
Jason A. Zoldessy, Esquire
Jackson Lewis, Jackson Lewis LLP.
666 Third Avenue
New York, NY 10017-4030

Emmett F. McGee, Esquire
Ariana Wright Arnold, Esquire
Jackson Lewis, Jackson Lewis LLP
2800 Quarry Lake Drive, Suite 200
Baltimore, Maryland 21209

THE LAW PROHIBITS ANYONE FROM DISCRIMINATING OR RETALIATING AGAINST YOU FOR TAKING PART IN THIS LAWSUIT.

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COMPREHENSIVE HEALTH MANAGEMENT, INC.,
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ELECTION FORM

The undersigned has read the foregoing Notice of Lawsuit, and wishes to opt-in or opt-out of this action as follows (mark one of the boxes below):

- I **do not wish to be part** of either class in this lawsuit.
- I **wish to be part** of both classes of this lawsuit and give my consent to join this lawsuit. By filing this Consent to Join, I authorize the named Plaintiffs and Class Counsel to make decisions on my behalf in this lawsuit regarding litigation and settlement.

Printed Name

Signature

Telephone Number

Email Address

Date