

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Fort Lauderdale Division  
Case Number 10-61069**

**ORLANDO LAWRENCE & JOAN CIMO,  
on behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**vs.**

**THE BERKLEY GROUP, INC., TOWER  
RESORTS REALTY, INC., ALWAYS  
TRAVEL WITH US, INC., & BRUCE  
POLANSKY, individually,**

**Defendants.**

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**NOTIFICATION TO POTENTIAL CLASS MEMBERS**

**To:** All current or former timeshare salespeople, “takeover” a/k/a “T.O.” employees and Travel Club Representatives of The Berkley Group, Inc., Tower Resorts Realty, Inc., Always Travel with Us, Inc. and/or Bruce Polansky (collectively, the “Defendants”) who worked in Ft. Lauderdale, Weston or Hollywood, Florida between July 14, 2009 and August 5, 2011.

**Re:** Right to opt-in to a lawsuit filed against the Defendants for alleged minimum and overtime wage violations under the Fair Labor Standards Act.

This notice and its contents have been authorized by the United States District Court for the Southern District of Florida. This notice is not an expression by the Court of any opinion as to the merits of any claims or defenses asserted by any party to this Action. The Court has not yet decided whether: (1) Defendants have done anything wrong; (2) this case will proceed to trial or (3) the Named Plaintiff or anyone who files a consent to join is entitled to damages. However, you have a choice to assert your legal rights in this case.

**Date:** August 5, 2011

This Notice is to inform you of the existence of a collective action lawsuit brought pursuant to the Fair Labor Standards Act (the “FLSA”) for unpaid minimum wages and overtime wages in which you potentially are “similarly situated” to the named plaintiffs, to advise you of

how your rights under the FLSA may be affected by the lawsuit, and to instruct you on the procedure for participating in this lawsuit should you choose to do so.

### **I. Description of Lawsuit**

On June 24, 2010, Orlando Lawrence and Joan Cimo (the “Representative Plaintiffs”) filed a lawsuit for payment of unpaid minimum and overtime wages, liquidated damages, and attorney’s fees and costs against the Defendants. The Defendants have denied the Representative Plaintiffs’ claims and allegations and deny that the Representative Plaintiffs or any potential class members are entitled to relief. The Court has not made any determination as to the merits of the Representative Plaintiffs’ claims or Defendants’ defenses.

### **II. Composition of the Class**

The Representative Plaintiffs are seeking to sue individually and also on behalf of all current or former timeshare salespeople, TO managers and Travel Club Representatives employed or engaged by Defendants in Ft. Lauderdale, Weston or Hollywood, Florida at anytime between July 14, 2009 and August 5, 2011.

This Notice is only for the purpose of determining the identity of those persons who wish to make a claim in this lawsuit. Your right to participate in this lawsuit may depend upon a later decision by the U.S. District Court whether or not you and the Representative Plaintiff are, in fact, similarly situated.

### **III. Your Right to Participate in This Lawsuit**

If you wish to make your claim in this lawsuit and you fit the definition above, you may join this suit by mailing one copy of the enclosed “Consent to Become Party Plaintiff” form to Richard Celler, Morgan & Morgan, 6824 Griffin Road, Suite 3, Davie, Florida 33314. A pre-paid addressed envelope is enclosed with this Notice.

#### **IV. Deadline to Join Lawsuit**

If you wish to join this lawsuit, you must send the form to Richard Celler so he has time to file it with the Court on or before [date 45 days from the date that notice will be mailed].

#### **V. Effect of Joining Lawsuit**

If you choose to join this lawsuit, you will be bound by the judgment, whether it is favorable or unfavorable. You may also be required to respond to written questions, sit for depositions and/or testify in court. You will also be bound by and will share in judgment or settlement obtained by the Representative Plaintiffs on behalf of the class.

The attorneys for the class are being paid on a contingency fee basis, which means if there is no recovery, there will be no attorney's fees chargeable to you. If there is a recovery or settlement, the attorneys for the class will receive a part of the total recovery. If you do opt-in and are unsuccessful on the merits of your claim, you may be responsible for Defendants' costs in this matter, which is exclusive of attorneys' fees.

#### **VI. Effect of Not Joining the Lawsuit**

If you do not wish to participate in this lawsuit, then do nothing. Should you choose not to join the lawsuit, you will not be affected by any judgment rendered or settlement reached in this case, whether favorable or unfavorable. You will not be entitled to share in any amounts recovered by the class. You may, however, still assert your own lawsuit.

#### **VII. Retaliation Not Permitted**

Federal law prohibits Defendants from discharging, discriminating or retaliating against you in any way for taking part in this lawsuit.

### **VIII. Further Information/Representation of Counsel**

You have the right to obtain counsel of your own choice and still opt-in in this Action, or you may, upon agreement as to the terms of representation, be represented in this case by: Richard Celler, Morgan & Morgan, 6824 Griffin Road, Suite 3, Davie, Florida 33314., at 877-667-4265 phone, email [RCeller@forthepeople.com](mailto:RCeller@forthepeople.com); and Joseph Bilotta, Esq, Vassallo, Bilotta Friedman & Davis, 1801 Indian Road Suite 100, West Palm Beach, Fl 33409, at 561-471-2800 phone, email to [joeb@vassallobilotta.com](mailto:joeb@vassallobilotta.com). Further information about the lawsuit, this Notice, or the deadline for filing your consent may be obtained by contacting these individuals.

**DO NOT CONTACT THE DISTRICT COURT OR THE CLERK OF THE COURT UNLESS SPECIFICALLY INSTRUCTED TO DO SO HEREIN. YOU MAY ADDRESS ALL INQUIRIES TO PLAINTIFF'S COUNSEL.**