

**OPT-IN CONSENT FORM**

**Nicole Dietzen, et al. v. Community Loans of America, Inc., 18-cv-818**  
United States District Court, Eastern District of Wisconsin  
Green Bay Division

To be eligible to participate in the settlement in the above-referenced action ("the Lawsuit"), you must complete this Opt-In Consent Form and e-mail, fax or mail it (preferably in the accompanying, self-addressed envelope) so that it is postmarked no later than March 19, 2019:

**Administrator – CLA Wage Lawsuit**  
**Post Office Box 90100**  
**Los Angeles, CA 90009**

Your Name: Christina Saunders Clark  
Print CLEARLY

Street/P.O. Box: 1516 Periwinkle Rd

City/State/Zip: Moneta VA 24121

Primary Phone: (540) 597 2578

RECEIVED  
MAR 19 2019  
BMC GROUP

**CONSENT TO JOIN COLLECTIVE ACTION**  
Pursuant to Fair Labor Standards Act, 29 U.S.C. § 216(b)

1. I have read and understand the accompanying Notice of Collective Action and Proposed Settlement ("Notice"). If I am deemed eligible to participate in the settlement of the Lawsuit, I consent and agree to settle my legal claims against Community Loans of America, Inc. ("CLA") under the terms described in the Notice.
2. I had occasion to earn bonuses or commissions at CLA that were not included in the regular rate during the FLSA Payment Period.
3. I understand that the Lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, and, if I am deemed eligible to participate in the settlement of the Lawsuit, I consent and agree to become a party to the Lawsuit and to be bound by the settlement of the Lawsuit and any other Court orders.
4. By completing this form and accepting benefits under the settlement of the Lawsuit, I release CLA and any of its corporate affiliates, predecessors, successors, past, present and future officers, directors, agents, employees, members, managers, partners, attorneys, executors, employee benefit plans, insurers, assigns and other representatives of any kind, from any claims that were asserted or reasonably could have been asserted in the Lawsuit, as described in the accompanying Notice. This release includes any claims for unpaid wages or overtime pay under the Fair Labor Standards Act or any similar laws and will be effective as of the date of the Final Order Approving Settlement.

3/19/19  
Date

Christina Clark  
Signature

If you move after submitting this Consent Form but before receiving money from the settlement, please send a letter to Administrator – CLA Wage Lawsuit, Post Office Box 90100, Los Angeles, CA 90009 to ensure that the settlement check is forwarded to you.

## NOTICE OF COLLECTIVE ACTION AND PROPOSED SETTLEMENT

### *Dietzen v. Community Loans of America, Inc. ("CLA")*

Case No. 18-cv-818 In The United States District Court For The  
Eastern District of Wisconsin (the "Lawsuit")

TO: All hourly, non-exempt employees who worked as Branch Managers at any CLA location except in the States of Georgia, Tennessee, and California at any time from May 29, 2016 to January 4, 2019 who received bonuses and/or commissions during that time that were not included in their regular rates of pay for purposes of overtime calculation.

RE: Fair Labor Standards Act ("FLSA") Unpaid Overtime Action

**PLEASE READ THIS NOTICE CAREFULLY. THIS NOTICE DESCRIBES A  
PROPOSED SETTLEMENT OF A FLSA COLLECTIVE ACTION. THIS NOTICE  
COULD AFFECT YOUR LEGAL RIGHTS**

### I. INTRODUCTION

This notice serves three purposes: (1) inform you of the existence of a collective action in which you are potentially "similarly situated" to the Named Plaintiff; (2) instruct you on how this action may affect your rights; and (3) explain the proposed settlement of this action and inform you how you may participate in the settlement if it is finally approved.

### II. DESCRIPTION OF THE ACTION

Named Plaintiff, Nicole Dietzen, brought this action against CLA on her behalf, and on the behalf of all past and present hourly, non-exempt employees who worked as Branch Managers at any CLA location except in the States of Georgia, Tennessee, and California at any time from May 29, 2016 to January 4, 2019 ("FLSA Payment Period") who received bonuses and/or commissions during that time that were not included in their regular rates of pay for purposes of overtime calculation. The Lawsuit is pending in the United States District Court for the Eastern District of Wisconsin. Ms. Dietzen alleges that CLA failed to pay overtime wages on commissions and/or bonuses as required by federal law under the FLSA.

Ms. Dietzen looks to recover from CLA all unpaid overtime wages, liquidated (double) damages, reasonable attorneys' fees, and litigation costs on her behalf and on behalf of all other Branch Managers that join this collective action.

CLA denies all of Ms. Dietzen's allegations, including that CLA violated the FLSA.

The Court expresses no opinion on the merits of Ms. Dietzen's claims or CLA's

### III. YOUR RIGHT TO PARTICIPATE IN THE SETTLEMENT

If you wish to participate in the Settlement, you may opt-in by returning the enclosed "Opt-In Consent Form" completed and signed via U.S. mail, fax, or email to the Settlement Administrator:

Administrator - CLA Wage Lawsuit

BMC Group, Inc.

PO Box 90100

Los Angeles, CA 90009

Email: [CLA@bmcgroup.com](mailto:CLA@bmcgroup.com) or Fax: 866.536.4681

You must return the "Opt-In Consent Form" on or before **March 19, 2019**. If you fail to return the completed form before the deadline date, you may not be allowed to participate in the Settlement.

### IV. NO LEGAL EFFECT IN NOT PARTICIPATING IN THE SETTLEMENT

If you choose not to participate in the Settlement, your rights are not affected and you are free to file your own claim.

### V. NO RETALIATION PERMITTED

Those who join this action and participate in the Settlement are protected by federal law, which prohibits ~~CLA~~ from terminating, discriminating, or retaliating against you due to you joining this action and participating in this Settlement. If you join this action and participate in the Settlement and believe that you have been discriminated or retaliated against, you should notify Ms. Dietzen's attorneys.

### VI. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you join this lawsuit and participate in this Settlement, your interests will be represented by Ms. Dietzen through her attorneys. Her attorneys are: Scott Luzi, Esq. and Matthew J. Tobin, Esq. of WALCHESKE & LUZI, LLC, 15850 W. Bluemound Road, Suite 304, Brookfield, Wisconsin 53005, Phone: (262) 780-1953; Fax: (262) 565-6469; Email: [sluzi@walcheskeluzi.com](mailto:sluzi@walcheskeluzi.com) and [mtobin@walcheskeluzi.com](mailto:mtobin@walcheskeluzi.com)

### VII. FURTHER INFORMATION

More information about this notice, filing an "Opt-In Consent Form," or general questions about this action can be obtained by calling, writing, or emailing Ms. Dietzen's attorneys, whose contact information is provided above.

**\*\* PLEASE NOTE \*\***

Federal law provides a two (2) year deadline for filing overtime claims (or three (3) years if an employer's violation is willful) running from the date(s) the overtime was actually worked.

# FAX

**Date:** 03/19/2019

**Pages including cover sheet:** 4

<b>To:</b>	
<b>Phone</b>	
<b>Fax Phone</b>	(866) 536-4681

<b>From:</b>	LM1144 LM1144
	VA
<b>Phone</b>	(678) 809-6375 * 2173
<b>Fax Phone</b>	15402176500

**NOTE:**

Internet Fax Job