

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

LISA PIAZZA, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

NEW ALBERTSONS, INC.; JEWEL FOOD  
STORES, INC.; and AMERICAN DRUG  
STORES, LLC d/b/a JEWEL-OSCO,

Defendants.

No. 1:20-cv-03187

Judge Mary M. Rowland

**TO: ALL ASSISTANT STORE DIRECTORS EMPLOYED BY JEWEL-OSCO  
BETWEEN AUGUST 26, 2017 AND FEBRUARY 3, 2021**

**PLEASE READ THIS NOTICE – A LAWSUIT MAY AFFECT YOUR RIGHTS**

**1. What is this notice about?**

This notice is about a lawsuit that you may choose to join.

**2. Why did I get this notice?**

You are receiving this notice because Jewel-Osco’s records show that you were employed as an Assistant Store Director (“ASD”) at any time between August 26, 2017 and February 3, 2021. The Court for the Northern District of Illinois has authorized this notice to be sent to you and other ASDs to inform you of the case and your right to join it.

**3. What is this lawsuit about?**

A former Assistant Store Director (the “Plaintiff”) has brought a collective action lawsuit against New Albertsons, Inc., Jewel Food Stores, Inc., and American Drug Stores, LLC d/b/a Jewel-Osco (collectively, “Jewel-Osco), claiming that Jewel-Osco misclassified her and other ASDs as “exempt” employees and failed to pay them overtime for working more than 40 hours a week as required by the Fair Labor Standards Act (“FLSA”) and Illinois state law. The lawsuit is known as *Piazza v. New Albertsons, Inc., Jewel Food Stores, Inc., and American Drug Stores, LLC d/b/a Jewel-Osco* and is proceeding in the United States District Court for the Northern District of Illinois, Case No. 1:20-cv-03187.

The Plaintiff alleges that ASDs spend the majority of their time helping customers, working the cash register, moving products, stocking shelves, setting and resetting displays, counting inventory, cleaning the store, and otherwise standing in as a cashier, stocker, or other hourly worker. The Plaintiff alleges that ASDs should be classified as “non-exempt” employees and paid overtime compensation under the FLSA and Illinois state law. The Plaintiff seeks to recover overtime wages and an additional equal amount as liquidated damages, plus attorneys’ fees and costs, for herself and all other ASDs who join the lawsuit.

Jewel-Osco asserts that all ASDs have been properly classified as exempt employees, and that they have paid all ASDs appropriately and lawfully. The Court has not yet decided who is correct.

#### **4. What is a collective action and who is involved?**

In a collective action, one or more individuals can bring a lawsuit on behalf of others who are “similarly situated” to them. If you complete and return the enclosed Consent to Join form, you will join the case and become part of the “collective.” One court will resolve the issues for the entire collective.

#### **5. Why is this lawsuit a Collective Action?**

The Court has made a preliminary determination that the Plaintiff may be similarly situated to other ASDs and has authorized this case to proceed as a collective action under Section 216(b) of the FLSA.

#### **6. How do I ask to be included in the Collective?**

Enclosed is a “Consent to Join” form. **If you choose to join this lawsuit, you must read, sign, and promptly return the Consent to Join form by December 7, 2021.** You may electronically sign and submit the form online at [www.JewelOscoASDLawsuit.com](http://www.JewelOscoASDLawsuit.com). You can also fax it to the below number or email it to the below email address. Finally, you can mail it back in the enclosed postage-paid envelope or another envelope, so that it is postmarked by **December 7, 2021**. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

**MAIL:** Piazza v Jewel-Osco  
c/o JND Legal Administration  
PO Box 91304  
Seattle, WA 98111

**FAX:** 1- 866-992-9304

**EMAIL:** [info@JewelOscoASDLawsuit.com](mailto:info@JewelOscoASDLawsuit.com)

**The signed Consent to Join form must be postmarked, emailed, or faxed by December 7, 2021.** If you lose or misplace the enclosed Consent to Join form, please contact JND Legal Administration Toll Free at **1-888-921-1536**. If you have questions, you may contact any of Plaintiff’s lawyers listed below.

**7. What happens if I do nothing at all?**

If you do nothing, you will not be entitled to share in any amounts recovered by the Plaintiff for the FLSA claims in this case and will not be affected by any decision regarding those claims, whether favorable or unfavorable. You will also be free to hire your own lawyer and file your own FLSA lawsuit. You should be aware that your time to bring FLSA claims is limited by a two- or three-year statute of limitations, and delay in joining this action, or proceeding separately, may result in some or all of your claims expiring.

**8. What happens if I join the collective?**

If you choose to join the case, you will be bound by and share in any ruling, settlement or judgment, whether favorable or unfavorable. By joining this lawsuit, you agree to have the Plaintiff and her counsel act as your representatives and make decisions on your behalf concerning the case. Decisions made and agreements entered into by the Plaintiff will be binding on you if you join the lawsuit, including approving any settlement, entering into an agreement with counsel regarding payment of attorneys' fees and costs, and deciding all other matters pertaining to this lawsuit.

While this suit is pending, you may be asked to provide documents or information relating to your employment, or otherwise participate in this matter.

**9. Will my participation affect my employment?**

No. Federal law prohibits an employer from firing or in any way retaliating against you because you have joined this lawsuit.

If you believe that you have been penalized, discriminated against, or disciplined in any way as a result of your receiving this notification, considering whether to join this lawsuit, or actually joining this lawsuit, please contact Plaintiff's attorneys or other attorneys of your choosing right away.

**10. Do I have a lawyer in this case and how will the lawyers get paid?**

If you choose to join this lawsuit, you will be represented by the attorneys who represent the Plaintiff, Conway Legal, LLC, Levin Sedran & Berman, LLC, and Werman Salas P.C. Further information about Plaintiff's counsel is available at [www.conwaylegalpa.com](http://www.conwaylegalpa.com), [www.lfsblaw.com](http://www.lfsblaw.com) and their contact information is listed in Section 12, below.

The lawyers representing Plaintiff and the ASDs will only be paid if they win the lawsuit or obtain a settlement. The Plaintiff has entered into a contingency fee agreement with Plaintiff's counsel, which means that if Plaintiff does not win, there will be no attorneys' fees or costs chargeable. Under the fee agreement, in the event there is a recovery, Plaintiff's counsel will apply to the Court for a portion of any settlement obtained or money judgment entered in favor of Plaintiff and the members of the collective in the amount the greater of: (1) the "lodestar" amount, calculated by multiplying reasonable hourly rates by the amount of time expended on the lawsuit, or (2) one-

third of the gross settlement or judgment amount. Fees may be part of a settlement obtained or money judgment entered in favor of Plaintiff, or may be ordered by the Court to be separately paid by Jewel-Osco or may be a combination of the two. If the ASDs lose the lawsuit, you will not have to pay your lawyers.

**11. How will the current COVID-19 crisis affect the lawsuit or my participation?**

The current COVID-19 crisis has impacted virtually every aspect of life. Grocery workers have been particularly hit hard. The Court is open for business and the lawyers for the parties are continuing to work. We anticipate the receipt and processing of Consent to Join forms will not be affected. For your convenience, there are several ways you can return the Consent to Join form in order to be included in this lawsuit, such as by mailing, faxing, e-mailing, and submitting the form online.

If you encounter problems in returning or submitting your Consent to Join form please contact Jason Conway at (215) 278-4782 or [info@conwaylegalpa.com](mailto:info@conwaylegalpa.com).

**12. How can I get more information?**

If you have any questions, you may write, e-mail or call counsel for the Plaintiff:

**CONWAY LEGAL, LLC**

Jason Conway  
1700 Market Street, Suite 1005  
Philadelphia, PA 19103  
Telephone: (215) 278-4782  
Facsimile: (215) 278-4807  
[info@conwaylegalpa.com](mailto:info@conwaylegalpa.com)

**LEVIN SEDRAN & BERMAN LLP**

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**PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS NOTICE.**