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17 COUNTY OF ALAMEDA

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA

20 ANTONIO LOERA, JR. and CHARLOTTE  
DANIELS, on behalf of themselves and all others  
21 similarly situated,

22 Plaintiff,

23 vs.

24 COUNTY OF ALAMEDA, a political subdivision  
of the State of California,

25 Defendant.  
26

) Case No. 3:23-cv-00792-LB  
) **STIPULATION AND [PROPOSED]**  
) **ORDER REGARDING NOTICE OF FLSA**  
) **CONDITIONAL CERTIFICATION AND**  
) **DISTRIBUTION OF JUDICIAL NOTICE**  
)  
) Courtroom: B, 15<sup>th</sup> Floor  
) Judge: Hon. Laurel Beeler  
)  
) Complaint Filed: February 22, 2023  
) Trial Date: TBD

1 WHEREAS, on May 12, 2023, Plaintiffs moved for conditional certification of a Fair Labor  
2 Standards Act (“FLSA”) Collective as well as authorization for distribution of judicial notice (ECF  
3 16), which motion Defendant contested (ECF 25), and for which Plaintiffs submitted a reply (ECF 26);

4 WHEREAS, the Court conditionally certified the FLSA Collective in a July 13, 2023 Order  
5 (ECF 30);

6 WHEREAS, the Court ordered changes to the proposed notice and distribution plan submitted  
7 with Plaintiffs’ May 12, 2023 motion (*id.*);

8 WHEREAS, the Court ordered that Plaintiffs’ counsel could “distribute the notice unless the  
9 defendant agrees to pay for the administrator” (*id.*). The County has agreed to pay for third party  
10 administrator ILYM to administer the notice;

11 WHEREAS, the Court ordered the revision of the notice language which Plaintiffs previously  
12 proposed as “Please note the Court has not ruled on the merits of the lawsuit. The Court has only ruled  
13 it is important that you be notified of the existence of the lawsuit so you can determine whether you  
14 wish to join” to “Please note the Court has not ruled on the merits of the lawsuit. The Court has only  
15 ordered that you be notified of the existence of the lawsuit so you can determine whether you wish to  
16 join” (*id.*);

17 WHEREAS, the Court ordered that Plaintiffs’ original proposal for methods of notice  
18 distribution by first-class mail, text, and email, be narrowed to distribution by first-class mail only (*id.*);

19 WHEREAS, the Court ordered that Plaintiffs’ original proposal of two reminder notices sent 30  
20 days and 60 days from the original notice mailing date be reduced to a single reminder notice sent 45  
21 days from the original notice mailing date (*id.*).

22 WHEREFORE, the Parties stipulate and submit for Court approval the following FLSA notice  
23 and distribution plan:

24 (1) The FLSA collective shall receive the Notice of Collective Action and Consent Forms  
25 attached as Exhibits 1 and 2 to this Stipulation.

26 (2) The Court orders that Notice shall be provided to the potential FLSA Collective as follows:

27 a. Within 10 days of the Court approving the notice and distribution plan, the County  
28 of Alameda shall provide the third party administrator with a list of all Sheriff’s

1 Safety Aides (in Excel or similar format) who are, or were, employed by the  
2 County of Alameda at any time during the 3 years preceding the date of hearing,  
3 including each person’s (1) name, (2) job title, (3) last known address and/or  
4 additional information requested by the third party administrator to reasonably  
5 identify or locate any SSA’s who notice returns undeliverable.

- 6 b. Within 7 days of receipt of such list, the third party administrator shall mail a copy
- 7 of the Court-approved Notice of Collective Action and Consent Form to the
- 8 potential FLSA Collective members;
- 9 c. The potential FLSA Collective members shall have 90 days from the mailing of the
- 10 Notice to return, by U.S. Mail, or email a signed Consent forms for filing with the
- 11 Court;
- 12 d. The Court authorizes the third party administrator to reissue an identical reminder
- 13 notice to the Collective Action Members after the expiration of 45 days and from the
- 14 day that the original notice is transmitted.

15 LEVY VINICK BURRELL HYAMS LLP

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17 Sharon R. Vinick  
18 Attorneys for Plaintiffs

19 TERP LAW

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21 Rachel M. Terp  
22 Attorneys for Plaintiffs

23 JACKSON LEWIS P.C.

24 

25 Shannon B. Nakabayashi  
26 Attorneys for Defendants

17 Date: 7/26/2023

21 Date: July 26, 2023

25 Date: July 26, 2023

1 IT IS SO ORDERED.

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3 DATED: July 27, 2023

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4871-4205-6050, v. 1

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HON. LAUREL BEELER  
UNITED STATES DISTRICT COURT

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTONIO LOERA, JR. and CHARLOTTE DANIELS, on behalf of themselves and all others similarly situated,	)	Case No. 4:23-cv-00792-LB
	)	<b>NOTICE OF COLLECTIVE ACTION</b>
Plaintiff,	)	
v.	)	
COUNTY OF ALAMEDA, a political subdivision of the State of California,	)	Honorable Laurel Beeler
	)	
Defendant.	)	

**IMPORTANT NOTIFICATION TO POTENTIAL COLLECTIVE ACTION MEMBERS**

TO: ALL INDIVIDUALS WHO HAVE BEEN EMPLOYED AS A SHERIFF’S SAFETY AIDE BY THE COUNTY OF ALAMEDA IN AND AROUND THE OAKLAND INTERNATIONAL AIRPORT AT ANY TIME IN THE LAST THREE YEARS.

Please read this entire notice carefully. Your rights may be impacted by proceedings in this Action.

You are required to respond by **[90 DAYS AFTER MAILING]**, if you wish to assert federal claims, as described below. Please note the Court has not ruled on the merits of the lawsuit. The Court has only ordered that you be notified of the existence of the lawsuit so you can determine whether you wish to join.

**1. Introduction**

The purpose of this Notice is to inform you of a pending collective action lawsuit (the “Lawsuit”) brought against County of Alameda, claiming violations of the Fair Labor Standards Act (“FLSA”). This Notice will inform you of the procedure for participating in this suit. **You are receiving this Notice because you may be entitled to “opt in” to a federal collective action conditionally certified by the Court under the FLSA** if you are or were employed as a Sheriff’s Safety Aide by the County of Alameda in or around the Oakland International Airport at any time in the last three years.

**2. Description of the Lawsuit**

The Plaintiffs in this case are current and former Sheriff’s Safety Aides who brought suit on behalf of themselves and all Sheriff’s Safety Aides who were employed by the County of Alameda in or around the Oakland International Airport at any time in the last three years. Plaintiffs allege that the County of Alameda violated federal law (the FLSA) by denying putative collective action members overtime pay, because they were required to work off-the-clock before and after their scheduled shifts. In particular, during the relevant period, Plaintiffs contend that federal law required the County of Alameda to pay Sheriff’s Safety Aides for all time spent working pre-shift and post-shift, but Sheriff’s Safety Aides were not fully compensated for this time, resulting in unpaid overtime wages for those hours over 40 hours in a week. The County of Alameda denies these claims and maintains that at all times Safety Aides were paid appropriately.

**3. Persons Eligible to Join the Lawsuit**

To be eligible to join the Lawsuit, you must either currently be employed as a Sheriff’s Safety Aide by the County of Alameda in or around the Oakland International Airport, or have been so employed at any time in the last three years, and the County of Alameda must have failed to pay you overtime pay for any hours worked in excess of 40 per week.

**4. How to Participate in the Federal Collective Action—Your Time to Join Is Limited**

You will not be included in the collective action unless you complete and submit the enclosed Consent Form no later than **[90 days from mailing]**. By completing the enclosed Consent Form, you will be designating Plaintiffs and their attorneys to act on your behalf and to represent your interests with respect to your claims under the FLSA. If you wish to discuss this matter, including the nature of the case and the terms of the Plaintiffs' attorneys' representation of Plaintiffs and those who opt into this case, you may contact Plaintiffs' attorneys at the contact information provided below in section 8. If you do not file a Consent Form and join this case, you will not receive any back wages for overtime or other relief if Plaintiffs prevail in the Lawsuit. If you do not file a Consent Form, any relief under the FLSA could be obtained by you only if you proceed to bring an independent action within the time provided by law (three years from the last date of any alleged violation) either on your own or with counsel of your choosing.

**Under the FLSA, your claims for unpaid overtime may extend back three years from the date you file a Consent Form.** Accordingly, if you wait to submit a Consent Form, the amount of your claim may be reduced every day you delay in submitting a Consent Form.

**5. Changes of Address**

If this Notice was sent to a wrong address, or if your address changes in the future, please promptly notify Plaintiffs' Counsel of your correct address by mail, or email (see section 8 below for contact information).

**6. Examination of Papers**

All of the above descriptions of allegations and other matters in the Lawsuit are summaries and do not fully describe the case. The pleadings and other papers filed in this action are public records and may be accessed at the website <http://www.pacer.gov/>, where you can set up an account to view court records. In the "Civil" tab, under California-Northern, you will be prompted to enter the case number (4:23-cv-00792-LB). Alternatively, select materials filed in the Lawsuit have been posted to the website [www.terplaw.com/acsolawsuit](http://www.terplaw.com/acsolawsuit).

**7. Can My Employer Retaliate Against Me for Participating?**

The law does not allow employers to retaliate against employees for participating in a lawsuit against them. The County of Alameda is prohibited by law from discharging you or retaliating against you in any other manner because you choose to participate in this action. Likewise, the County of Alameda will not treat you more favorably if you decline to participate in this action.

**8. Questions**

If you have questions about this lawsuit or about the Notice, you may contact Plaintiffs' Counsel:

**Levy Vinick Burrell Hyams LLP**  
180 Grand Ave., Suite 1300  
Oakland, CA 94612  
[info@levyvinick.com](mailto:info@levyvinick.com)  
(510) 318-7700

**Terp Law**  
2831 Telegraph Avenue  
Oakland, CA 94609  
[rachel@terplaw.com](mailto:rachel@terplaw.com)  
(510) 550-5103

**PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS.**

THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, THE HONORABLE LAUREL BEELER, UNITED STATES MAGISTRATE JUDGE

## **EXHIBIT 2**



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

**LOERA, ET AL. V. ALAMEDA COUNTY SHERIFF’S OFFICE**

I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. against my current/former employer, Alameda County, to recover overtime pay and other relief.

During the past three years, there was one or more occasion when I worked over 40 hours per week and did not receive overtime compensation as a Sheriff’s Safety Aid for the Alameda County Sheriff’s Office (“ACSO”) at and around the Oakland International Airport, in the City of Oakland in the State of California.

I choose to be represented by the named plaintiffs and named counsel on the pleadings, and to be bound by their decisions in the litigation as my representatives.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Approximate Dates of Employment as a Sheriff’s Safety Aid for the County of Alameda’s ACSO at and around the Oakland International Airport.

**The information provided below this line will be redacted prior to any filing with the Court.**

**RETURN THIS FORM BY MAIL, FAX, OR EMAIL, NO LATER THAN [90 DAYS], TO:**

**Levy Vinick Burrell Hyams LLP  
180 Grand Ave., Suite 1300  
Oakland, CA 94612  
info@levyvinick.com**

\_\_\_\_\_  
Address (with apartment number if applicable)

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Best Phone Numbers

**or**

\_\_\_\_\_  
E-Mail Address

**Terp Law  
2831 Telegraph Avenue  
Oakland, CA 94609  
rachel@terplaw.com**