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TRACY BISHOP, *et al.*

PLAINTIFFS,

v.

LEE'S INDUSTRIES, INC.  
d/b/a LEE'S CLEANING SERVICES,  
LEE'S COMPANIES, INC., and/or  
LEE'S HOME HEALTH SERVICES,  
*and* NINA KINARD, President and CEO of  
Lee's Industries and ERIC LAMBACK,  
Vice President and Director of Operations  
Lee's Industries, Inc. and President of  
Lee's Home Health Services, Inc.

DEFENDANTS.

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COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

JANUARY TERM 2007

NO. 1937

CIVIL ACTION-CLASS ACTION  
AND ACTION FOR  
DECLARATORY JUDGMENT

**NOTICE OF PENDENCY OF CLASS ACTION**

TO: ALL NON-SUPERVISORY HOME HEALTH WORKERS EMPLOYED BY DEFENDANTS AND/OR ANY DEFENDANT, INCLUDING BUT NOT LIMITED TO HOME HEALTH AIDES, CERTIFIED NURSING ASSISTANTS, HOMEMAKERS OR DIRECT CARE WORKERS, OR ANY OTHER EMPLOYEES OF DEFENDANTS AND/OR ANY DEFENDANT PROVIDING CARE AT HOME TO ANY CLIENT OF DEFENDANTS AND/OR ANY DEFENDANT FROM JANUARY 17, 2004 TO THE PRESENT.

**PLEASE READ THIS NOTICE CAREFULLY,  
IT MAY AFFECT YOUR LEGAL RIGHTS**

This is a notification that you are a member of a plaintiff class (the "Class") in this case against Lee's Industries, Inc. (including Lee's Cleaning Services, Lee's Companies, Inc., Lee's Home Health Services, Nina Kinard and Eric Lamback) ("Lee's Industries" or "Defendant") in the Philadelphia Court of Common Pleas (the "Lawsuit").

The purpose of this Notice is to explain to you:

1. What the Lawsuit is about.
2. Your Rights as a Class Member.
3. Further Court Proceedings.
4. How to Get More Information.

## 1. **What the Lawsuit is About**

Plaintiffs allege that Lee's Industries, Inc. has failed to compensate its hourly home health aides for travel time between clients and for overtime in accordance with Pennsylvania law. Plaintiffs seek monetary damages based on their claims as well as future correction of pay practices. Lee's Industries, Inc. has denied and continues to deny the allegations made by Plaintiffs on behalf of the Class, and has asserted many defenses. No final ruling has been made on these claims. The Court has not yet scheduled a trial date.

## 2. **Your Rights as a Class Member**

The Class consists of:

All non-supervisory home health workers employed by defendants and/or any defendant, including but not limited to home health aides, certified nursing assistants, homemakers or direct care workers, or any other employees of defendants and/or any defendant providing care at home to any client of defendants and/or any defendant from January 17, 2004 to the present.

The certified Class Representatives are the Plaintiffs, Tracy Bishop, Pamela Brooks, Peggy Cunningham and Natividad Reyes. The Certified Class counsel are the law firms of Brodie & Rubinsky, P. C., 121 S. Broad Street, Suite 800, Philadelphia, Pennsylvania 19107; and Willig, Williams & Davidson, 1845 Walnut Street, 24<sup>th</sup> Floor, Philadelphia, Pennsylvania 19103. These attorneys will represent you as part of the Class unless you choose to hire your own attorney. You have the right to hire your own attorney.

If you wish to remain in the Class, **YOU DO NOT NEED TO TAKE ANY ACTION**. If you remain in the Class you will be bound by any decision, favorable or unfavorable, in this case.

If you do not wish to remain in the Class, then you must make your request in writing. If you exclude yourself from the Class, you will not participate in any settlement or favorable judgment in the Lawsuit but you also will not be bound by any unfavorable judgment.

Your request to be excluded from the Class must be in writing and must provide your name and address and a statement that you wish to be excluded from the Class in Bishop, et al. v. Lee's Industries, Inc., et al. This statement must be sent by first-class mail, postmarked not later than thirty (30) days from the date of this Notice addressed to: Class Counsel Joshua P. Rubinsky at the address below. If you request exclusion on behalf of anyone other than yourself you must describe your legal authority to make this request.

**Class Counsel:**

Joshua P. Rubinsky, Esquire  
Laura J. Lifsey, Esquire  
Amy E. Galer, Esquire  
Brodie & Rubinsky, P. C.  
121 South Broad Street, Suite 800  
Philadelphia, Pennsylvania 19107

Bruce M. Ludwig, Esquire  
Willig, Williams & Davidson  
1845 Walnut Street  
24<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19103

**3. Further Court Proceedings**

The Court will proceed to decide the merits of Plaintiffs' claims as asserted in the Lawsuit. Trial has not yet been scheduled. At trial, either party could win on the merits.

**4. How to Get More Information**

Additional information about the Lawsuit is available on the Internet at [WWW.LEESWAGECASE.COM](http://WWW.LEESWAGECASE.COM), including a copy of the Bishop, et al. v. Lee's Industries, Inc., et al. Third Amended Class Action Complaint and the Order certifying the Class. Any questions you may have concerning the matters contained in this Notice should be directed to Class Counsel, Joshua P. Rubinsky, Esquire, at (215) 925-2705 or you may email your questions on the LEESWAGECASE web site.

**DO NOT CALL THE COURT OR THE DEFENDANT.**

This Notice does not fully describe all of the claims of the parties. The pleadings and other records in this litigation may be examined during regular office hours at the Office of the Prothonotary, Philadelphia Court of Common Pleas, City Hall, Broad & Market Streets, Philadelphia, Pennsylvania 19107.

BY THE COURT:

Dated: \_\_\_\_\_, 2009