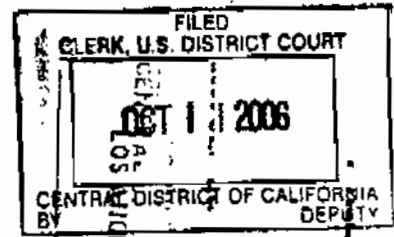


1 Gregory G. Petersen, Esq., CA Bar No. 77744
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 8 Facsimile: (949) 417-5610
 9 Email: fklaus@cpk-law.com
 10 Email: kmariboho@cpk-law.com



11 Attorneys for Roberto Alaniz, individually, and
 12 on behalf of all others similarly situated.

13 UNITED STATES DISTRICT COURT
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 ROBERTO ALANIZ, an individual,
 16 for himself and on behalf of all others
 17 similarly situated,

18 Case No. CV 04-8592-GHK (JWJx)

19 Plaintiff,

20 ~~AMENDED PROPOSED~~ NOTICE
 21 OF COLLECTIVE ACTION
 22 PURSUANT TO 29 U.S.C. §216(b)

23 vs.

24 THE CITY OF LOS ANGELES and
 25 DOES 1 through 10, inclusive,

26 Defendants.

27 **IMPORTANT LEGAL NOTICE**

28 TO: ALL PERSONS WHO WORK OR WORKED ANY DEPLOYMENT
 PERIOD FOR THE CITY OF LOS ANGELES AS AN HOURLY OR
 NON-SALARIED POLICE OFFICER AT ANY TIME, FROM MAY 22,
 2003 TO THE PRESENT.

///

///

///

AMENDED [PROPOSED] NOTICE OF COLLECTIVE ACTION

COPY

PLEASE READ THIS NOTICE CAREFULLY

- 1
- 2
- 3 1. If you join, your rights may be affected by litigation now pending in the above-
- 4 2. You are hereby notified that the Court has preliminarily certified this case as a
- 5 collective action under the FLSA, but has made no ruling on the merits (if any)
- 6 of the Claims or defenses and that it will hear the claims of opt-ins in the
- 7 federal court action.

WHAT IS A COLLECTIVE ACTION?

- 8 3. A "collective action" is a type of lawsuit provided by the Fair Labor Standards
- 9 Act, 29 U.S.C. §216(b) ("FLSA") in which the claims and rights of many
- 10 people are decided in a single court proceeding and one or more representative
- 11 plaintiffs assert claims on behalf of all those who are similarly situated and opt-
- 12 in (i.e., consent to join) the collective action.

AM I A MEMBER OF THE COLLECTIVE ACTION?

- 12 4. According to The City of Los Angeles' records you may be eligible to join the
- 13 collective action because you may be similarly situated to the Plaintiffs. You
- 14 are eligible to be a member of the collective action ("Member") if you fit the
- 15 following definition:
- 16 A) A current or former employee of The City of Los Angeles who worked at
- 17 least one (1) shift or deployment period as an hourly or non-salaried police
- 18 officer at any time, from May 22, 2003, to the present; and
- 19 B) were unable to take an uninterrupted Code 7 lunch break during each shift
- 20 and were not paid for the time spent working during the interrupted lunch
- 21 break; and/or
- 22 C) who worked any straight-time and/or overtime hours for which he or she did
- 23 not receive straight-time compensation at his or her regular rate of pay or
- 24 overtime compensation at the rate of one and one-half times his or her
- 25 regular rate of pay for the time spent working "off-the-clock."

PURPOSE OF THIS NOTICE

- 26 5. The United States District Court for the Central District of California has
- 27 authorized that this Notice be sent to you to provide you with information about
- 28 this lawsuit and your options in regard thereto.

SUMMARY OF LITIGATION

- 29 6. On October 15, 2004, Police Officer, Roberto Alaniz ("Plaintiff"), brought this
- 30 lawsuit, on behalf of himself and all similarly situated Members, alleging
- 31 claims under the FLSA. Thereafter, an amended complaint was filed by Police
- 32 Officers Robert Alaniz, Raymond L. Dorsey, Jr., Charles D. Halliburton and
- 33 Manfred G. Merkens ("Plaintiffs") on behalf of themselves and on behalf of all
- 34 others similarly situated.

1 Plaintiffs alleged that they and other similarly situated members are owed back
2 wages and other damages under the FLSA for certain shifts ("the Claims").
3 Plaintiffs claim that pursuant to the FLSA, The City of Los Angeles should
4 have provided straight time and overtime compensation at the rate of at least
5 one and one-half times the "regular rate" for all hours they and other similarly
6 situated Members allegedly worked.

7 7. Defendant City of Los Angeles denies any liability under the FLSA.
8 Defendant(s) assert that Plaintiffs and other similarly situated Members were
9 properly compensated by the City of Los Angeles for all hours worked.

10 8. You have the option to use Castle Petersen & Krause, LLP or hire your own
11 attorney and join this action. The following attorneys represent the parties in the
12 collective action:

13 For Plaintiffs and similarly situated Members who sign, date and return the Consent to
14 Join Form attached hereto in this action, the Court has approved:

15
16 Gregory G. Petersen, Esq.
17 Fenja Klaus, Esq.
18 Kenneth L. Mariboho II, Esq.
19 CASTLE, PETERSEN & KRAUSE LLP
20 Attorneys at Law
21 4675 MacArthur Court, Suite 1250
22 Newport Beach, California 92660
23 Telephone: (949) 417-5600
24 Facsimile: (949) 417-5610

25 Representing the Defendants:

26 Brian P. Walter, Bar No. 171429
27 Geoffrey S. Sheldon, Bar No. 185560
28 Connie M. Chuang, Bar No. 239513
29 LIEBERT CASSIDY WHITMORE
30 A Professional Law Corporation
31 6033 W. Century Boulevard, Suite 500
32 Los Angeles, CA 90045
33 Telephone: (310) 981-2000
34 Facsimile: (310) 337-0837

35 **WHAT IMPACT WILL JOINING THIS ACTION HAVE ON MY RIGHTS?**

36 9. If you fit within the definition of a Member, as described in paragraph 4, above,
37 you may join the action and become a Member by completing the enclosed
38 Consent to Join Form and returning it to:

39 CASTLE, PETERSEN & KRAUSE LLP
40 4675 MacArthur Court, Suite 1250
41 Newport Beach, California 92660

You will then be represented by Castle, Petersen & Krause, LLP, the court-appointed counsel for Plaintiffs and Members, as of the date your Consent to Join Form is received by Castle, Petersen & Krause, LLP.

- 10. If you sign and return the Consent to Join Form in this action, you will: a) be agreeing to have your FLSA claims (if any) against Defendants prosecuted by Plaintiffs on your behalf and your rights collectively determined by the above-captioned Court; b) be waiving your right to individually pursue any Claims against Defendants that are covered by this action, and will be precluded from independently seeking (outside of this collective action) any recovery from Defendants on your own behalf for these Claims; c) be bound by any outcome of the lawsuit, whether favorable or not; and d) be eligible to potentially share in any recovery that might be obtained in this action on your behalf. You may also be required to participate in the litigation, including responding to discovery if ordered by the court.

If you do not consent to join this collective action, you will not be bound by the outcome of this lawsuit – in which case, you will be free to pursue your own Claims (if any) against Defendants on your own behalf and will not share in any potential recovery that might be obtained in this lawsuit. However, you must know that the statute of limitation (the dates within which you can recapture damages) continues to move forward and will bar claims as time passes.

HOW MUCH TIME DO I HAVE TO DECIDE?

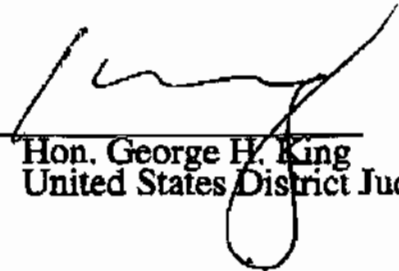
- 11. If you choose to consent to join the action, you have until [INSERT DATE NINETY (90) DAYS FROM THE DATE OF MAILING OF NOTICE] to mail your Consent To Join Form to **CASTLE, PETERSEN & KRAUSE LLP**, located at **4675 MacArthur Court, Suite 1250, Newport Beach, California 92660**. Your Consent to Join Form should be postmarked by this date in order for you to participate in the collective action.

HOW DO I GET MORE INFORMATION?

- 12. If you wish to obtain more information about this lawsuit, please contact Plaintiffs' Counsel: Castle, Petersen & Krause LLP, 4675 MacArthur Court, Suite 1250, Newport Beach, California 92660, phone (949) 417-5600, e-mail: atty@cpk-law.com, fklaus@cpk-law.com or kmariboho@cpk-law.com.

PLEASE DO NOT CONTACT THE CLERK OF THE COURT OR THE JUDGE WITH INQUIRIES ABOUT THIS LAWSUIT. ONCE YOU JOIN, COUNSEL FOR DEFENDANT IS NOT PERMITTED TO CONTACT YOU DIRECTLY OR INDIRECTLY ON ANY SUBJECT MATTER RELATED TO THIS LITIGATION, AS YOU WILL BE REPRESENTED BY PLAINTIFF'S COUNSEL.

Dated: 10/11, 2006



Hon. George H. King
United States District Judge

PROOF OF SERVICE

At all time of service I was over 18 years of age and not a party to this action. My business address is 4675 MacArthur Court, Suite 1250, Newport Beach, California 92660. My telephone number is 949-417-5600.

On September 22, 2006, I served the following documents: AMENDED [PROPOSED] NOTICE OF COLLECTIVE ACTION PURSUANT TO 29 U.S.C. §216(b) I served the documents on the following person(s):

Brian Walter, Esq. Liebert Cassidy Whitmore 6033 West Century Blvd., Suite 500 Los Angeles, CA 90045 Phone: (310) 981-2000 Fax: (310) 337-0837	Attorneys for Defendant City of Los Angeles
Rockard Delgadillo, City Attorney Wayne H. Song, Deputy City Attorney 200 N. Main St., Rm. 800, City Hall East Los Angeles, CA 90012 Phone: (213) 978-8384 Fax: (213) 978-8787	Attorneys for Defendant City of Los Angeles

The documents were served by the following means:
x By United States Mail: I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope(s) for collection and mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Dated this 22st day of September, 2006 at Newport Beach, California.


 Rachael J. Wager-LaCross