

NOTICE OF COLLECTIVE ACTION LAWSUIT FOR UNPAID OVERTIME WAGES

If you provided services to TRG The Response Group, L.L.C. during the Gulf Coast oil spill response, please read this court-authorized notice of pending litigation.

Jon Brewer, Nathan Cohen, and Quentin Doyle are Plaintiffs in a lawsuit on behalf of themselves and other workers who, like them, provided services to TRG The Response Group, L.L.C. (“TRG”) assisting in the Gulf Coast oil spill response of BP America, Inc. and BP, P.L.C. (jointly “BP”). These “Oil Spill Support Workers” claim that TRG, TRG’s President Roy Barrett, and BP (collectively, the “Defendants”) unlawfully denied them overtime wages as a result of misclassifying them as independent contractors.

- The Court has authorized Plaintiffs to send other Oil Spill Support Workers who worked for the Defendants at any time since April 20, 2010 notice of their right to join this pending lawsuit.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
YOU MAY CHOOSE WHETHER OR NOT TO JOIN THE LAWSUIT	<p>You do not have to join this lawsuit. If you choose to join this lawsuit, Class Counsel will represent you in connection with your potential claim for unpaid wages and overtime, and you may be entitled to participate in any award or benefit that may come from a trial or a settlement and may be bound by any ruling, judgment or settlement, whether favorable or unfavorable. However, you will give up any rights to sue Defendants separately about the same legal claims in this lawsuit.</p> <p>If you choose not to join, you will not be represented by Plaintiffs’ Counsel, you will not be entitled to participate in any award or benefit that may come from a trial or a settlement, and you will not be bound by any ruling, judgment or settlement, whether favorable or unfavorable.</p>

- To join the lawsuit, you must send Plaintiffs’ Counsel your Consent to Join form by [insert date 60 days from the date notice is sent out].

1. Why did I get this notice?

You received this notice because Defendants’ records show that you provided services to TRG and were classified as an independent contractor assisting in the Gulf Coast oil spill response of BP during the relevant time period (anytime between April 21, 2010 and February 20, 2011).

The Honorable Carl Barbier, United States District Judge in the Eastern District of Louisiana, is overseeing this case. The lawsuit is known as *Brewer v. TRG The Response Group, LLC*, No. 11 Civ. 0401 (CJB) (SS). Through this court-authorized notice, the Plaintiffs are attempting to notify all workers who may be entitled to relief in this case of their right to participate in this lawsuit, and to determine which workers want to join. A trial may be necessary to decide whether the claims being made against the Defendants are correct.

2. What is this lawsuit about?

This lawsuit is about whether the Oil Spill Support Workers were employees, rather than independent contractors, and whether Defendants have properly paid overtime wages at one and one-half times their regular rate for hours worked over forty per week as required by the Fair Labor Standards Act (“FLSA”).

The Defendants have denied any wrongdoing or liability for damages and contest all claims that Plaintiffs have asserted.

3. What is a collective action and who is involved?

In a collective action lawsuit, one or more plaintiffs can bring a lawsuit on behalf of themselves and others who are determined to have similar claims, and one Court resolves all of those claims. The Court has conditionally authorized this case to proceed as a collective action under Section 216(b) of the FLSA, 29 U.S.C. § 216(b). However, the case may be decertified by the Court at a later stage.

4. Has the Court decided who is right?

The Court has not decided whether the Defendants or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial to be set at a later date.

5. What are the Plaintiffs asking for?

Plaintiffs are seeking to recover for themselves and all other Oil Spill Support Workers who join the case unpaid overtime wages for all hours worked over forty per week, liquidated damages equal to the amount of overtime owed, attorneys' fees, and costs.

6. Can I join this lawsuit?

Yes. You are eligible to join this lawsuit if you provided services for TRG, were classified as an independent contractor and worked as an Oil Spill Support Worker at any time between April 1, 2010 and February 20, 2011.

7. What happens if I join the lawsuit?

If you join this lawsuit, Class Counsel will represent you in connection with your potential claim for unpaid wages and overtime, and you will share in any proceeds from a settlement or judgment favorable to the Class to the extent that you are entitled to such proceeds and you will

be bound by any ruling, settlement or judgment, whether favorable or unfavorable. In the event that the Plaintiffs do not prevail in the lawsuit you will receive no recovery. The named Plaintiffs will be entitled to make decisions and enter into agreements on your behalf concerning all aspects of litigating and/or resolving the claims in this case, including approving or rejecting any settlement offer(s) and agreements with attorneys. You will give up any rights to sue TRG separately about the same legal claims in this lawsuit. You may also be required to respond to written questions, give a deposition, produce documents, and/or testify at trial.

By joining you agree for Plaintiffs' attorneys to be your legal representative, however, you may hire a lawyer of your own choosing at your own expense. You will not share in any proceeds from a settlement or judgment favorable to the Class and you will not be bound by any ruling, settlement or judgment, whether favorable or unfavorable.

8. Can I bring claims against Defendants for unpaid overtime even though I agreed to and/or signed a contract agreeing to work as an independent contractor?

Yes. You may join this lawsuit even if you agreed to work as an independent contractor for a daily rate. If the Court determines that you were improperly denied overtime and that Defendants misclassified you as an independent contractor, any such agreement will not be binding or valid.

9. Can I participate in this lawsuit even if I cashed or deposited the check issued by TRG which TRG represented released TRG of any and all claims?

Yes. You may join this lawsuit even if you cashed or deposited a check from TRG in exchange for a release of any legal claims you might have against TRG. You may participate in this case even if you signed and negotiated the check.

Federal law provides that you cannot give up, waive, or release your right to pursue a claim for overtime compensation under the Fair Labor Standards Act without court approval or the United States Department of Labor's supervision.

10. Can I participate in this lawsuit even though, due to my immigration status, I am not working for TRG or Barrett legally?

Yes. Your immigration status does not affect your entitlement to recover unpaid wages.

11. Can TRG or Barrett and/or my current employer retaliate against me if I join the lawsuit?

No. It is a violation of federal law for Roy Barrett or TRG to fire, discipline, punish, intimidate, threaten, refuse to hire, blacklist, or in any manner discriminate or retaliate against you for joining this case.

12. How do I ask the Court to include me in the case?

Enclosed is a form called “Consent to Join.” **If you believe you are eligible and choose to join this lawsuit, it is extremely important that you read, sign, and promptly return the Consent to Join form so that it is received by Lead Counsel for Plaintiffs by ____.** An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join form must be sent to:

TRG—BP Lawsuit
Burr & Smith LLP
Grand Central Place
442 W Kennedy Blvd., Suite 300
Tampa, FL 33606

You can also fax the Consent to Join form to (813) 254-8391 or scan and email it to TRGLawsuit@outtengolden.com.

If you believe you are eligible and want to participate, send your signed Consent to Join form in time for Plaintiffs’ counsel to receive it by [60 days from the date of Notice]. If the signed consent to join form is not filed by the deadline, you will not be allowed to participate in this lawsuit and you will not be entitled to participate in, and will not be bound by, any settlement or judgment of the FLSA claim.

13. Do I have a lawyer in this case?

Yes. If you join this lawsuit, you will be represented by the Plaintiffs’ lawyers:

Sam Smith
Marguerite Longoria
Christine Jalbert
Burr & Smith LLP
442 W Kennedy Blvd., Suite 300
Tampa, FL 33606
(866) 647-3110
www.burrandsmithlaw.com

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Molly Brooks
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701 Poydras Street
New Orleans, LA 7-139
(504) 524-3300
www.bkc-law.com

14. Should I get my own lawyer?

If you join the lawsuit, you do not need to hire your own lawyer because Plaintiffs' Counsel will be working on your behalf. However, if you choose to do so, you are allowed to hire your own lawyer at your own expense.

15. How will the lawyers be paid?

The named Plaintiffs have entered into contingency fee agreements with Plaintiffs' counsel which will be binding upon you if you join. These agreements provide that in the event there is a recovery, the attorneys are entitled to a part of any settlement obtained or money judgment entered in favor of all members of the class, as approved by the Court. If no recovery is obtained, there will be no attorneys' fees. A copy of the contingency fee agreement executed by the named Plaintiffs may be obtained upon request from Plaintiffs' counsel identified above.

16. What happens if I do nothing at all?

If you do nothing, you will not be affected by any ruling, judgment or settlement rendered in this case, whether favorable or unfavorable. You will remain free to independently retain your own counsel and file your own individual lawsuit.

17. I still have questions.

If you have questions or are unsure whether you are included, you can call the Plaintiffs' lawyers toll-free at (866) 647-3110 or write them at the addresses listed in Question 13

Dated: _____, 2011.