

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NOTICE OF OVERTIME PAY LAWSUIT

The Court authorized this Notice. This is not a solicitation from a lawyer.

- TO:** All current and former employees of Apple, Inc. classified as non-exempt/overtime eligible who received restricted stock units (“RSUs”) at any time from March 23, 2020 to the present, and recorded more than forty hours of work in a workweek after receiving an RSU but before the RSU vested.
- RE:** Fair Labor Standards Act (“FLSA”) lawsuit involving allegations that Apple did not pay proper overtime wages by not including the value of vested RSUs in the overtime pay rate. *See Costa et al v. Apple, Inc.*, 3:23-CV-01353-WHO (N.D. Cal.).

DEADLINE: Consent Form must be postmarked or submitted by **May 7, 2024** to join.

WHAT IS THIS NOTICE ABOUT?

This Notice is to inform you of a collective action and putative class action against Apple. The Court determined that you may be similarly situated to Francis Costa, Amanda Hoffman, and Olivia McIlravy-Ackert, the Named Plaintiffs who brought the case. The Court ordered this Notice to explain the lawsuit so you can decide whether to join. The Court has not ruled on the merits. It has only ruled that you be notified so you can determine how to protect your rights and whether you wish to join.

WHAT IS THIS LAWSUIT ABOUT?

The Named Plaintiffs brought this action under the federal FLSA for an “FLSA Collective” of current and former employees of Apple classified as non-exempt/overtime eligible who received RSUs at any time from March 23, 2020 to the present, and recorded more than forty hours of work in a workweek after receiving an RSU but before the RSU vested.

Plaintiffs contend that Apple did not pay proper overtime wages by failing to include the value of vested restricted stock unit awards in the employees’ overtime pay rate. They allege they are entitled to unpaid overtime pay, liquidated/double damages, and interest, and seek to recover from Apple their attorneys’ fees, and costs. Plaintiffs also assert similar claims under California and New York state law.

Apple denies the allegations.

HOW DO I PARTICIPATE?

If you choose to join (opt-in to) this lawsuit you must submit a Consent Form so it is postmarked or submitted by **May 7, 2024**. You may submit the Consent Form by mail or email to:

Apple Overtime Lawsuit
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

Email: AppleOvertimeLawsuit@atticusadmin.com

Or you may scan the QR code on the enclosed Consent Form and complete and submit it there.

WHAT HAPPENS IF I JOIN?

Apple asserts that some individuals entered an agreement that prevents them from participating in this court action and only allows them to bring such claims in arbitration. Whether you made this agreement and if it is enforceable will be determined later and does not prevent you from joining this case now.

If you timely submit a Consent Form and are permitted to proceed in this case, you will be bound by the judgment (the final result of the lawsuit), whether favorable or unfavorable (whether Plaintiffs win or not).

Plaintiffs' attorneys will **not** charge you directly for their work. If there is no recovery (i.e., if Plaintiffs recover no money from Apple), you will not have to pay the attorneys for their work. If there is a recovery, Plaintiffs' attorneys will receive whatever attorneys' fees the Court orders. Those fees may be subtracted from the recovery obtained from Apple, or they may be paid separately by Apple, or they may be a combination of the two.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you join, you are choosing to be represented by Plaintiffs' attorneys and the Named Plaintiffs to make decisions and agreements on your behalf concerning the lawsuit. These decisions and agreements will be binding on you. You may be required to provide information relevant to the lawsuit. Named Plaintiffs' attorneys are:

NICHOLS KASTER, PLLP
Michele R. Fisher, fisher@nka.com
Kayla M. Kienzle, kkienzle@nka.com
4700 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Telephone: (612) 256-3200

SHAVITZ LAW GROUP, P.A.
Loren B. Donnell, ldonnell@shavitzlaw.com
951 Yamato Rd. Suite 285
Boca Raton, FL 33431
Telephone: (561) 447-8888

NICHOLS KASTER, LLP
Daniel S. Brome, dbrome@nka.com
235 Montgomery St., Suite 810
San Francisco, CA 94104
Telephone: (415) 277-7235

THIS NOTICE IS AUTHORIZED BY THE COURT

This Notice was authorized by the United States District Court for the Northern District of California, San Francisco Division, the Honorable William H. Orrick. The Court has taken no position regarding the merits of the claims or defenses.

**CONSENT FORM
APPLE, INC.**

1. I consent to bring an overtime claim against Apple, Inc. for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).
2. I was an hourly paid employee for Apple, Inc. I also received restricted stock units from Apple, Inc.
3. During the past three years, there were times when I worked over 40 hours per week for Apple, Inc.
4. I believe that Apple, Inc. may have miscalculated my overtime rate of pay.
5. I designate the Shavitz Law Group, P.A and Nichols Kaster, PLLP to represent me in bringing such claim, and to make decisions on my behalf. I agree to be bound by any decision on my claim, whether favorable or unfavorable.

Date: _____

Signature

Print Name

Information below will be redacted in filings. Please print or type.

Address: _____

City, State, Zip: _____

Best Phone Number(s): _____

Email: _____

**Scan with phone camera
to complete Consent
Form electronically:**



Or return by email or mail to:

**Apple Overtime Lawsuit
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164**

Email:
AppleOvertimeLawsuit@atticusadmin.com

MUST BE SUBMITTED OR POSTMARKED BY MAY 7, 2024 TO JOIN