

IN THE AMERICAN ARBITRATION ASSOCIATION

PAUL BLAKEMAN, individually and on
behalf of all others similarly situated,

Claimant,

vs.

GENEVA ENTERPRISES, LLC; and AV
AUTOMOTIVE, LLC,

Respondents.

Case No.: 01-22-0000-0610

NOTICE OF PENDING COLLECTIVE ACTION

TO: ALL INDIVIDUALS WHO WERE EMPLOYED BY GENEVA ENTERPRISES, LLC; AND/OR AV AUTOMOTIVE, LLC IN VIRGINIA AS COMMISSION-BASED EMPLOYEES WHO WERE SUBJECT TO THE “ROSENTHAL AUTOMOTIVE GROUP COMPANY-WIDE 10% COMPENSATION REDUCTION” POLICY, AT ANY TIME FROM JULY 1, 2020, TO JULY 31, 2021.

RE: COLLECTIVE ACTION FILED AGAINST GENEVA ENTERPRISES, LLC; AND AV AUTOMOTIVE, LLC FOR ALLEGED ILLEGAL DEDUCTIONS TAKEN FROM EARNED COMMISSIONS.

I. INTRODUCTION

The purpose of this notice is to:

- 1) Inform you that a collective action exists that you may join
- 2) Advise you of how your rights may be affected by this collective action, and
- 3) Instruct you on the procedure for participating in this collective action, should you choose to do so.

II. DESCRIPTION OF COLLECTIVE ACTION

A collective action has been brought against Geneva Enterprises, LLC; and AV Automotive, LLC (“Respondents”). Claimant Paul Blakeman. (“Claimant”) alleges that Respondents have violated the Virginia Wage Payment Act (“VWPA”) by making illegal deductions from the earned commissions of commission-based employees, pursuant to the “Rosenthal Automotive Group Company-Wide 10% Compensation Reduction” policy. Claimant seeks to recover: (1) all illegal deductions taken; (2) an equal amount as liquidated damages; (3) treble (triple) damages for Respondents’ knowing violation of the law; (4) reasonable attorneys’ fees and costs; and (5) all other legal and equitable relief as the Arbitrator deems just and proper.

III. COMPOSITION OF COLLECTIVE

Claimant seeks to represent all individuals who were employed by Respondents as commission-based employees at any time from July 1, 2020, to July 31, 2021, and who were subject to the “Rosenthal Automotive Group Company-Wide 10% Compensation Reduction” policy.

IV. YOUR RIGHT TO PARTICIPATE IN THIS COLLECTIVE ACTION

According to Respondents’ personnel records, you were employed by Respondents as a commission-based employee during the relevant time period. Therefore, you may join in the VWPA claim raised in this collective action by completing and mailing, faxing, or emailing a signed copy of the enclosed Consent to Join Form to Claimant’s attorneys at the following address:

ZIPIN, AMSTER, & GREENBERG LLC
ATTN: Robert Tucci
8757 Georgia Ave., Suite 400
Silver Spring, MD 20910
Tel: (301) 587-9373
Fax: (240) 839-9142
rtucci@zagfirm.com

Your Consent to Join form must be submitted or postmarked by no later than **July 10, 2023**. A first class self-addressed and prepaid envelope is included for your convenience. You may also submit a Consent to Join form online by visiting **GenevaEnterprises.ilymgroup.com**. Claimant’s attorneys will file with the Arbitrator all Consent to Join Forms that have been filled out, signed, and postmarked or submitted on or before **July 10, 2023**.

If you file a Consent to Join Form, your continued right to participate in the collective action may depend upon a later decision by the Arbitrator that you are an appropriate participant in accordance with Virginia law.

V. EFFECT OF JOINING OR NOT JOINING THIS COLLECTIVE ACTION

If you choose to join the collective action, you will be bound by any award, ruling, judgment, or settlement, favorable or unfavorable. While the collective action is proceeding, you may be required to provide information or otherwise participate in the action.

If you choose to join this case by filing a Consent to Join Form, you will be agreeing to representation by Claimant’s attorneys. The specific terms and conditions of representation are set forth in Section VIII and in the Consent to Join Form. If you do not join this action, you are free to take action on your own.

If you choose not to join the collective action, you will not be bound by any award, ruling, judgment, or settlement entered in the case, favorable or unfavorable. You will not receive a share of any judgment or settlement obtained. If you choose not to join this collective action, you will retain any rights you may have under the VWPA.

VI. STATUTE OF LIMITATIONS

Claimant’s claims in this action are limited to a statute of limitations. If you choose to join this collective action, you may be able to recover damages only for illegal deductions taken prior to the date you file your Consent to Join Form. If you choose not to join this collective action, or choose to bring your own action, some or all of your potential claims may later be barred by the applicable statute of limitations.

VII. NO RETALIATION PERMITTED

The law prohibits retaliation against employees for exercising their rights under the VWPA. Therefore, Respondents are specifically prohibited from discharging you or retaliating against you in any other manner just because you choose to participate in this action.

VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join the collective action, your interests will be represented by counsel for Claimant. Claimant's Counsel are:

Robert W.T. Tucci
Gregg C. Greenberg
Thomas J. Eiler
ZIPIN, AMSTER, & GREENBERG LLC
8757 Georgia Ave., Suite 400
Silver Spring, MD 20910
Telephone: (301) 587-9373
Facsimile: (240) 839-9142
<https://www.zagfirm.com>

Claimant's attorneys are being paid on a contingency basis, which means that if there is no recovery, there will be no attorneys' fees. If there is a recovery, the attorneys will receive a part of any settlement obtained or money award entered in favor of all members of the collective, or fees the Arbitrator directs Respondents to pay separately. Any payment of attorneys' fees will require approval of the Arbitrator.

Claimant's attorneys will advance necessary costs and out-of-pocket disbursements and expenses on your behalf in this litigation. In the event that necessary costs and out-of-pocket disbursements are not approved by the Arbitrator to be reimbursed from any settlement or award, or paid by Respondents, you will have no obligation to reimburse Claimant's attorneys for such costs.

IX. FURTHER INFORMATION

Further information about the collective action or this notice may be obtained by contacting Claimant's attorneys at the address or phone number provided above, or by visiting **GenevaEnterprises.ilymgroup.com**.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY ARBITRATOR SANDRA S. CHRISTIANSON. THE ARBITRATOR TAKES NO POSITION REGARDING THE MERITS OF CLAIMANT'S CLAIMS OR RESPONDENTS' DEFENSES. DO NOT CONTACT THE ARBITRATOR OR AMERICAN ARBITRATION ASSOCIATION REGARDING THIS NOTICE.