

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CA No.: 5:23-CV-00355-BO

JEANNE LYLIANE GBETE, on behalf of)
herself and all others similarly situated,)
)
 Plaintiff,)
)
 v.)
)
 SAMPSON BLADEN OIL COMPANY, INC.)
 D/B/A HAN-DEE HUGO’S,)
)
 Defendant.)

TO: ALL INDIVIDUALS WHO WERE, ARE, OR WILL BE EMPLOYED AT DEFENDANT SBOC OR HAN-DEE HUGO’S NORTH CAROLINA GAS STATIONS AND/OR CONVENIENCE STORES WHO WORKED AS STORE MANAGERS OR IN SIMILAR POSITIONS WITHIN THE PAST THREE (3) YEARS PRECEDING JUNE 26, 2023 THROUGH THE DATE OF JUDGMENT OR FINAL DISPOSITION IN THIS ACTION, AND WHO WERE MISCLASSIFIED AS EXEMPT BY DEFENDANT, AND, WERE NOT COMPENSATED FOR THEIR HOURS ABOVE FORTY (40) PER WEEK DURING ANY WORKWEEK WITHIN THREE (3) YEARS PRIOR TO THE COMMENCEMENT OF THIS ACTION, THROUGH THE PRESENT.

This is a Court-authorized Notice. This is not a solicitation from a lawyer.

A lawsuit has been brought against Sampson Bladen Oil Company, d/b/a Han-Dee Hugo’s (“SBOC”). Plaintiff Jeanne Lyliane Gbete alleges that SBOC has violated the Fair Labor Standards Act (“FLSA”) by not compensating Store Managers for all time worked, including, but not limited to hours worked in excess of 40 per week, given Defendant’s classification of Store Managers as salaried, exempt. Specifically, Plaintiff alleges that SBOC failed to compensate Store Managers at a rate of one-and-one half times their regular rate of pay for required work performed in excess of forty (40) per week. In addition, Plaintiff seeks to recover liquidated damages in an equal amount, reasonable attorneys’ fees and costs, and all other legal and equitable relief as the Court deems just and proper.

SBOC denies the allegations of the lawsuit and is defending against the allegations in Court.

The Court has allowed the lawsuit to be conditionally certified as a collective action under the Federal Fair Labor Standards Act (“FLSA”) on behalf of employees affected by Defendant’s pay policies.

The Court has not decided whether Defendant did anything wrong. There is no money available now, and no guarantee there will be any. However, your legal rights are affected, and you have a choice to make now, and you must act before August 21, 2026.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

FEDERAL LAW CLAIM

WHAT YOU MAY DO:

FILL OUT AND SEND BY MAIL THE CONSENT TO JOIN FORM ENCLOSED IN THIS NOTICE.	By filling out and sending in the Consent Form, you will be bound by all decisions of the Court and will have the right to share in a monetary recovery, if any. You will also give up the right to sue Defendant separately about the same legal claims in this case.
DO NOTHING: STAY OUT OF THE CASE.	If you do not fill out and send in the Consent to Join Form you will not become a party to this case. You will not be bound by any decision of the Court and will not share in any potential monetary recovery, if any, that may be awarded. But you keep any rights to sue Defendant separately about the same legal claims in the case, provided you do so in a timely manner.

BACKGROUND INFORMATION

1. WHY AM I GETTING THIS NOTICE?

The purpose of this Notice is to:

- 1. Inform you of the existence of a case in which you are potentially eligible to participate;
- 2. Advise you of how your rights may be affected by this case; and
- 3. Instruct you on the procedure for participating in this case, if you decide to join.

Defendant’s records reflect that you were employed by Defendant as a Store Manager **on or after June 26, 2020.**

The Court has conditionally certified a collective action lawsuit that may affect you. A trial may be necessary to decide whether the claims being made against Defendant on your behalf are correct or whether Defendant’s defenses to those claims are correct. The Honorable Terrence W. Boyle, District Judge in the United States District Court for the Eastern District of North Carolina is overseeing this lawsuit.

2. WHAT IS THE LAWSUIT ABOUT?

On June 26, 2023, an action was filed against Defendant Sampson Bladen Oil Co. d/b/a Han-Dee Hugo’s on behalf of Named Plaintiff Jeanne Lyliane Gbete, and all other similarly situated individuals who worked for the company as Store Managers. Specifically, Plaintiff alleges claims in this lawsuit on behalf of themselves and all other employees: (1) Defendant failed to pay

Employees for all hours worked and (2) Defendant failed to pay overtime premium pay for each hour they worked in excess of 40 hours per week.

Plaintiff seeks back pay wages and liquidated damages under both state and federal laws for themselves and all other current or former Store Managers who worked for Defendant SBOC from **June 26, 2020 until the present**. Defendant denies any wrongdoing and contends that all employees have been properly paid for all work they performed.

3. DOES THE LAW PROTECT ME FROM RETALIATION?

Yes. If you decide to join this case or participate in this case in any way, federal law prohibits Defendant from retaliating against you in any way. -

4. WHAT ABOUT IMMIGRATION STATUS?

Your immigration status will not be the subject of this lawsuit. You are entitled to seek a recovery regardless of your immigration status.

5. HOW DO I KNOW IF I AM PART OF THIS COLLECTIVE ACTION?

You may be a member of the FLSA collective action by returning the opt-in form if you worked for SBOC in North Carolina on or after June 26, 2020.

YOUR RIGHTS AND OPTIONS

6. HOW DO I JOIN THIS CASE AND WHAT HAPPENS NEXT?

If you wish to join this case, you must complete the attached "Consent to Join" form and return it to the address at the bottom of the form in the business reply envelope included. **If your completed Consent to Join form is not postmarked on or before that date, you will not be allowed to join this case.**

- **If you decide to join this lawsuit, we will keep you informed of the status of the case.**

THIS FORM MUST BE POSTMARKED NO LATER THAN AUGUST 21, 2026.

If you opt in to this lawsuit, you may or may not be asked to participate in the case by providing information, sending copies of documents in your possession to your lawyers, or testifying in a deposition or if there is a trial. Many plaintiffs will have no or a very limited role in the case and others will be required to do more. If you opt in, Plaintiff's Counsel will communicate with you about your role, if any, in this case.

Joining this case does not guarantee that you will receive any money from the case because a monetary recovery is not certain. If you join this case, you will be bound by any judgment entered by the Court, whether favorable or unfavorable, and you will forfeit the right to sue Defendant as an individual for the same claims made in this case.

7. IF THE EMPLOYEES ARE SUCCESSFUL IN THIS CASE, WHAT MONEY MIGHT I RECEIVE?

The Plaintiff seeks money for herself and other Defendant's employees, including you, should you decide to join this case. In particular, she seeks:

- (1) Backpay for unpaid overtime hours at time and one half pursuant to the FLSA;
- (2) Liquidated or doubled monetary damages as applicable under the FLSA; and
- (3) Defendant pay Plaintiff's attorneys' fees and costs of the case.

8. WHAT HAPPENS IF I JOIN THIS CASE AND EMPLOYEES ARE NOT SUCCESSFUL?

If you join this case and the Plaintiff is not successful, you may be required to pay a portion of Defendant's litigation costs.

9. WHAT HAPPENS IF I DON'T JOIN THIS CASE?

If you decide not to join this case, you will not be affected by any judgment or settlement on the Plaintiff's legal claims under the Fair Labor Standards Act. You also may not be allowed to participate in any money damages if Plaintiff wins. You will also retain the right to sue Defendant individually if you so choose provided you do so in a timely manner.

YOUR LEGAL REPRESENTATION IF YOU JOIN

10. WHO WILL BE MY LAWYER?

The Court has ordered that attorneys at The Law Offices of Gilda A. Hernandez, PLLC may represent you and all collective action members. However, if you decide to join this case, you have the right to hire your own lawyers or enter an appearance through an attorney at your own expense. You can contact the firm to learn more information about them, their practice, and their lawyers' experience at the information listed below:

Gilda A. Hernandez, Esq.
 Matthew S. Marlowe
 Briahna B. Koegel
**THE LAW OFFICES OF
 GILDA A. HERNANDEZ, PLLC**
 215 S. Academy Street
 Cary, NC 27511
 Tel: (919) 741-8693
 Fax: (919) 869-1853
 www.gildahernandezlaw.com
 rkreuz@gildahernandezlaw.com

11. HOW WILL THE LAWYERS BE PAID?

The Named Plaintiff has entered into a contingency fee agreement with Plaintiff's Counsel. Under this agreement, you are not responsible for paying out of pocket any of the attorneys' fees or costs

expended in the lawsuit. By returning the consent form enclosed, you agree to be bound by this agreement. Plaintiff's Counsel will be paid as follows: (1) if there is a settlement, Plaintiff's Counsel may ask the Court to award it up to 33% of any recovery obtained in addition to reasonable out of pocket costs; (2) if there is a trial and Plaintiffs prevail, Plaintiff's Counsel may ask the Court to order Defendant to pay their attorneys' fees and costs separately, on top of the award to the Plaintiffs.

If you elect to opt into this lawsuit, *you will not be required to pay attorneys' fees or expenses to the Plaintiff's lawyers.* This is true regardless of whether or not you win or lose this case. The lawyers for Plaintiff will be paid only if Plaintiff wins or Defendant settle the case. If that happens, these fees will either be paid by Defendant or as a percentage of any monetary judgment in favor of Plaintiff as ordered by the Court. *If there is no recovery, there will be no attorneys' fees paid to the lawyers.*

If you opt into this lawsuit, you may be required to pay litigation costs in the event the Court rules in SBOC's favor and awards it the costs of litigation.

THE TRIAL

12. HOW AND WHEN WILL THE COURT DECIDE WHO IS RIGHT?

If the lawsuit is not resolved by a settlement or by the Court before trial, Plaintiffs will have to prove their claims at a trial. The trial would take place in the United States District Court for the Eastern District of North Carolina. During the trial, a jury will hear evidence, including the testimony of witnesses, to help them reach a decision about whether the plaintiffs are right about the claims in the lawsuit. No guarantee exists that Plaintiffs will prevail, or that they will be awarded any damages.

13. DO I HAVE TO COME TO TRIAL?

You are not required to attend the trial unless one of the parties asks you to be a witness at the trial. If Plaintiff's Counsel or Defendant's counsel believes that your testimony may be helpful to establishing important facts in the litigation, Plaintiff's Counsel will contact you before the trial to provide more information regarding your participation in the trial.

GETTING MORE INFORMATION

If you have any questions or would like additional information, please contact Plaintiff's Counsel, whose contact information is provided above in Paragraph 10.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL EASTERN DISTRICT OF NORTH CAROLINA COURT, THE HONORABLE JUDGE TERRENCE W. BOYLE, UNITED STATES DISTRICT JUDGE. THE COURT TAKES NO POSITION REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR DEFENDANT'S DEFENSES.

DO NOT CONTACT THE CLERK OF COURT REGARDING THIS NOTICE.