

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**Notice of Overtime Pay Lawsuit Against  
Startek USA, Inc. on Behalf of  
Customer Service Representatives**

**A court authorized this Notice. This is not a solicitation from a lawyer.**

TO: All current and former hourly call center workers, including, but not limited to: Customer Service Representatives, Engagement Specialists, and Technical Support Representatives (collectively referred to as “Customer Service Representatives” or “CSRs”) who work or have worked for Startek USA, Inc. (referred to as “Startek”) at any time from June 8, 2019 to the present.

DATE: May 3, 2024

RE: Fair Labor Standards Act (“FLSA”) Lawsuit against Startek seeking compensation for overtime for hours worked by Customer Service Representatives. *Harris et al v. Startek USA, Inc.*, Case No. 1:22-cv-00437-RM-JPO, pending in the United States District Court for the District of Colorado.

**DEADLINE TO RETURN CONSENT FORM: July 2, 2024**

**1. Why Are You Getting This Notice?**

The purpose of this Notice is to inform you of the existence of a collective action Lawsuit against Startek. The Court in charge of this collective action Lawsuit has authorized that this Notice be sent to persons who are identified by Startek’s records as current or former Customer Service Representatives who may have been denied overtime compensation for hours worked in excess of 40 per week. Therefore, the Court has authorized that this Notice be sent to you, to explain what the Lawsuit is about, so that you can decide whether to opt in (join the Lawsuit).

Please note that the Court has not ruled on the merits of the Lawsuit. The Court has only ruled that it is important that you be notified of the existence of the Lawsuit so that you can determine (a) how to protect your rights and (b) whether you wish to join it.

The Court has allowed or “certified” a collective action Lawsuit that may affect your legal rights. This Notice is intended to advise you of how your rights under the Fair Labor Standards Act (“FLSA”) may be affected by this Lawsuit and describe how you can participate in this suit if you want to.

**2. What Is This Lawsuit About?**

Plaintiffs, Makayla Harris, Colleen Lewin, Tiffany Williams (“Plaintiffs”), brought this action under the Fair Labor Standards Act (“FLSA”) on behalf of themselves and all other past and current full-time hourly CSRs who worked for Startek at any time from June 8, 2019 to the present.

Plaintiffs contend that they and other CSRs are owed overtime pay under the FLSA. Specifically, Plaintiffs allege that Startek violated the FLSA by requiring CSRs to routinely perform certain pre-shift, meal-period, and post-shift activities off-the-clock without pay. These activities include starting and shutting down their computers and logging into, loading, and closing various computer software programs and applications used throughout their shifts; and troubleshooting technical problems with the computers, networks, programs/applications, and/or phones they use daily. Plaintiffs contend that by prohibiting, discouraging, or pressuring CSRs from including these pre-, mid-, and post-shift activities in their compensable time by virtue of attendance adherence policies, Plaintiffs and other CSRs were forced to perform some or all the above referenced tasks off the clock.

Plaintiffs allege that Startek owes these CSRs back wages in the form of overtime, liquidated damages (equal to the unpaid overtime pay) and interest, attorneys' fees, and costs associated with bringing this Lawsuit.

Startek denies Plaintiffs' allegations and has asserted various defenses. Startek contends that its CSRs have been trained to accurately record all of their time worked and have been, and continue to be, properly paid under the FLSA.

The Court has not ruled which party will prevail in this Lawsuit but has authorized this Notice be sent to you to inform you of your legal rights and ability to make a claim for unpaid overtime wages and money damages. By returning a Consent to Join Form, you can make a claim to recover damages under federal law during the time period June 8, 2019 to the present.

### **3. What Are Your Options?**

If you want to join this Lawsuit and make a claim for unpaid overtime wages, you must read, sign, and return the attached Consent to Join Form by **July 2, 2024**. You may return your Consent to Join Form by filling out the attached form and returning it by mail, email, or fax to:

**Harris v. Startek USA, Inc.**  
**c/o Atticus Administration**  
**PO Box 64053**  
**St. Paul, MN 55164**  
**Email: [StartekOvertimePayLawsuit@AtticusAdmin.com](mailto:StartekOvertimePayLawsuit@AtticusAdmin.com)**  
**Fax: 1-888-326-6411**

You may also visit the website at [www.StartekOvertimePayLawsuit.com](http://www.StartekOvertimePayLawsuit.com) to submit an online Consent to Join Form.

Plaintiffs are represented by Sommers Schwartz, P.C. If you join this Lawsuit, you may request to be represented by this law firm as well. You may also contact other counsel of your choice or choose to represent yourself without an attorney.

If you do not wish to be a part of the Lawsuit, you do not need to do anything. The decision to join is entirely yours.

### **4. Effect of Joining or Not Joining the Lawsuit.**

If you return a Consent to Join Form, you will be a part of this case. You may be entitled to share in any monetary settlement that may be reached by the parties, or any money awarded by a jury or the Court. If this case is not successful, you will receive nothing. Any responsibility for attorneys' fees may be affected by any agreement you may have with the lawyer, if any, you choose to represent you.

Plaintiffs' attorneys will **not** charge you directly for their work in this case. If there is no recovery (*i.e.*, if Plaintiffs recover no money from Startek) you will not have to pay the attorneys for any of 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 Startek, be paid separately by Startek, or they may be a combination of the two.

If you decide to join the Lawsuit, you may be required to answer written questions under oath, produce documents relating to your claim, testify at an oral deposition under oath and/or testify at trial with regard to your claims against Startek.

If you join this Lawsuit, you will be bound by the decisions of the Court, whether the decisions are favorable or unfavorable.

If you do not join this Lawsuit, you will not be directly affected by any matters in this case, whether favorable or unfavorable. You retain the ability to separately sue Startek, to the extent allowable by law, through an attorney you choose or without the assistance of an attorney.

**Because the FLSA only allows workers to recover up to the past three (3) years of back wages, eligible workers who do not join this litigation may lose their rights to recover overtime for work performed in the past for Startek unless they bring a new, separate case.**

#### **5. What Happens Next?**

The Lawsuit will proceed toward trial, which could take many months or years. If your contact information changes, and you want Plaintiffs' counsel to be able to contact you (e.g., to update you about the case, to send you money from any settlement or judgment, etc.), you may provide your contact information to Plaintiffs' counsel (whose information is available in Section 8, below).

#### **6. Preservation of Relevant Evidence.**

You may wish to preserve evidence useful in proving your claim and recovering overtime pay for all overtime hours you worked, if the Lawsuit is successful. In overtime pay Lawsuits like this one, commonly used evidence includes any notes you may have kept about your job duties or hours worked, policy and procedure documents and manuals regarding your work, and even your personal memory about your work as a Customer Service Representative.

Your memory about your work may be particularly important in proving your entitlement to overtime pay, for two reasons. First, your legal entitlement to overtime depends in part on what kinds of tasks you spend time on each shift. Second, you are allowed to prove the number of overtime hours you worked based in part on your memory of the schedule you worked, even if your memory is not precise.

Therefore, you may wish to hold onto documents related to your work at Startek and take notes about your memory of your job duties and hours worked.

#### **7. Startek Cannot Retaliate Against You for Participating in this Lawsuit.**

Federal law prohibits Startek from retaliating against you in any way (for example, firing you, giving you unfair reviews, cutting your pay, failing to promote you, etc.) for exercising your rights under the FLSA (for example, by joining this Lawsuit or by providing evidence in support of the Plaintiffs' claims).

If you suspect any retaliation for participating in this suit, please immediately contact your attorney, if you choose to have one.

#### **8. Your Legal Representation If You Join.**

If you choose to join this collective action Lawsuit, by returning a Consent to Join Form, who you choose to represent you is a decision for you to make.

You may choose Kevin Jay Stoops and Alana Karbal of the law firm Sommers Schwartz, P.C. Their contact information is:

SOMMERS SCHWARTZ, P.C.  
Kevin J. Stoops  
Alana Karbal  
One Towne Square, Suite 1700  
Southfield, Michigan 48076  
Telephone: (248) 415-3179  
Fax: (248) 936-2149  
Email: [FLSA@sommerspc.com](mailto:FLSA@sommerspc.com)

You may also retain counsel of your choice or proceed without an attorney.

## **9. How Can You Receive More Information?**

If you want further information about this Lawsuit, or have questions about the procedure or deadline for filing a “Consent to Join Form,” please contact Plaintiffs’ Counsel directly, using the contact information listed above.

**You should not contact Startek or Startek’s attorneys about this Lawsuit or seek advice from them on whether you should participate. Any information you provide Startek or its attorneys may be used against you or the other CSRs who decide to join this case.**

**You should not contact the Court to discuss this matter.**

## **10. This Notice Has Been Authorized by the Court.**

This Notice and its contents have been authorized by the United States District Court for the District of Colorado, the Honorable Raymond P. Moore presiding. The Court has taken no position regarding the merits of Plaintiffs’ claims or of Startek’s defenses.

## **11. You Have Sixty (60) Days to Join this Lawsuit.**

Your determination of whether to take action should be made promptly. Because the law only allows a person to recover up to three (3) years of overtime wages from the date the Consent to Join Form is filed, time is of the essence in submitting this form if you wish to have the opportunity to make a full recovery. All Consent to Join Forms must be received no later than July 2, 2024, which is sixty (60) days after this Notice was mailed to you. A Consent to Join Form is enclosed with a self-addressed envelope, or you may fax it or e-mail it to Plaintiffs’ counsel, or you may request to submit your Consent to Join Form online here at: [www.StartekOvertimePayLawsuit.com](http://www.StartekOvertimePayLawsuit.com), or by emailing it to: [StartekOvertimePayLawsuit@AtticusAdmin.com](mailto:StartekOvertimePayLawsuit@AtticusAdmin.com).