

McKee v. PetSmart, Inc.

FREQUENTLY ASKED QUESTIONS

1. What is the current status?

The Opt-in period is closed and this case is still an active lawsuit. We do not know if or when a settlement will be reached.

2. What is this lawsuit about?

Nicholas McKee, a former Operations Manager, and five other present and former Operations Managers have brought a lawsuit against PetSmart entitled, *McKee v. PetSmart, Inc.*, Civ. No. 12—1117-SLR (D. Del.), claiming that they were not paid overtime for all weeks in which they worked more than 40 hours as they contend is required by federal law. Specifically, they allege that, despite PetSmart's expectation that Operations Managers' primary duty is store management, their specific primary duties do not differ substantially from those performed by non-exempt employees, and included tasks such as operating the cash register, assisting customers, cleaning, unloading the truck, helping with animals, setting up planograms and end caps, and stocking supplies. As a result, they claim that they are entitled to overtime under the FLSA.

PetSmart denies that it has violated the law and claims that Operations Managers are properly classified as overtime-exempt based upon their management duties.

3. How can I participate in the Lawsuit?

The deadline to submit a Consent Form was April 15, 2014. You may still submit a late Consent but there is no guarantee that late Consents will be accepted.

4. Who are Plaintiffs' Counsel?

Plaintiffs are represented by:

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6. Will my participation in this Lawsuit affect my employment?

No. Federal law prohibits an employer from firing or in any way retaliating against you because you have joined this Lawsuit.