

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBIN R. STOOT, and LISA A. PHILLIPS on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CAPITAL MANAGEMENT SERVICES GROUP, INC.
CENTER ONE, LLC,

Defendants.



**NOTICE OF PROPOSED
NOTICE AND CONSENT
FORM**

Civil Action No. 1:24-cv-
00592

Plaintiffs Robin R. Stoot, Lisa A. Phillips, and Vanessa Hill (“Named Plaintiffs”), and Defendants Capital Management Services, L.P., and Center One, LLC, (“Defendants”) respectfully submit their proposed Notice and Consent as directed by the Court. The Court granted conditional certification pursuant to Section 216(b) of the Fair Labor Standards Act on September 9, 2025. (Dkt. 45) In its order the Court directed the Parties to submit a proposed notice and consent form to the Court for approval within thirty (30) days. Attached to the Notice of Proposed Notice and Consent as Exhibit A and Exhibit B, respectfully, are the joint Notice and Consent the Parties respectfully ask the court to approve.

Further, the parties ask that the Court enter the following proposed notice schedule:

1. Within fourteen (14) days of Judge Roemer’s Order approving the notice, consent and notice procedure, Defendants shall produce exclusively to the Third-Party Administrator (Atticus Administration, LLC) engaged by Plaintiffs, a list (in Microsoft Office Excel format) containing the name, last known home address (including zip code), last known email address, and dates of employment for all current and former remote/hybrid Capital Management Services and Center One employees who worked from January 13, 2022 through September 9, 2025.

2. For any current and/or former employees of Defendant for whom Atticus Administration receives notice that U.S. mail and/or e-mail methods of delivery of Notice were insufficient (i.e., returned as undeliverable), Defendant will provide Atticus Administration, within five (5) business days of receiving the aforementioned notice, last known phone numbers from the Defendants' business records (if available), and Atticus Administration may attempt to contact such individuals no more than three (3) times for the purpose of obtaining an updated mailing and/or email address.

3. Within fourteen (14) calendar days of receipt of the data referred to in the preceding paragraph, Atticus Administration shall distribute the Notice and consent approved by Judge Roemer via First Class U.S. mail and email.

4. The notice recipients will have sixty (60) days to file a Consent to Join this case, measured from the date the Court-authorized notice is sent.

5. Counsel for the Parties shall not contact any of the prospective plaintiffs for the purpose of discussing their participation in this lawsuit through the end of the opt-in period, except that Plaintiffs' counsel may: (1) respond to inquiries from the prospective plaintiffs during this time; and (2) contact the prospective plaintiffs after they have opted in. Likewise, counsel shall not contact any of the potential opt-in plaintiffs for any purpose not specified in this paragraph, including for purposes of discussing any other potential lawsuit or claim. This restriction shall survive the termination of this lawsuit. Notwithstanding the foregoing, with respect to current Capital Management Services and Center One employees or matters related to an individual current or former Capital Management Services and Center One employees' employment but unrelated to this lawsuit, Defendants may communicate with such individual for employment related purposes.

Dated: November 7, 2025

Dated: November 7, 2025

BARKAN MEIZLISH DEROSE COX, LLP

BOND, SCHOENECK & KING, PLLLC

/s/Robert E. DeRose

/s/Kevin G. Cope

Robert E. DeRose (OH Bar No. 0055214)
Admitted Pro Hac Vice
4200 Regent Street, Suite 210
Columbus Ohio 43219
(614) 221-4221
bderose@barkanmeizlish.com

Mark A. Moldenhauer
Kevin G. Cope
Avant Building
200 Delaware Avenue
Buffalo, NY 14202
Phone: (716) 416-7000
Email: mmoldenhauer@bsk.com
kcope@bsk.com

MANES & NARAHARI, LLC

Attorneys for Defendants

/s/David Manes

David Manes (PA Bar No. 314661)
(Admitted Pro Hoc Vice)
One Oxford Centre
301 Grant St, Suite 270
Pittsburgh, PA 15219
Phone: (412) 626-5626
Fax: (412) 650-4845
Email: dm@manesnarahari.com

FERR & MULLIN, P.C.

Robert L. Mullin
40 Wildbriar Road
Rochester, NY 14623
(585) 869-0210
rlmullin@ferrmullinlaw.com

Attorneys for Plaintiffs

SO ORDERED, this 13th day of November, 2025



Hon. Michael J. Roemer, U.S.M.J.

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

	:	CASE NO. 1:24-cv-00592-LJV
ROBIN R. STOOT, <i>et al.</i> ,	:	
	:	Judge Lawrence J. Vilardo
Plaintiffs,	:	
v.	:	Magistrate Judge Michael J. Roemer
	:	
CAPITAL MANAGEMENT SERVICES, L.P., <i>et</i>	:	
<i>al.</i> ,	:	
	:	
Defendants.	:	

IMPORTANT NOTICE OF RIGHT TO JOIN LAWSUIT

THIS IS NOT A LAWSUIT AGAINST YOU

READ THIS NOTICE CAREFULLY – YOUR LEGAL RIGHTS MAY BE AFFECTED

**AUTHORIZED BY MAGISTRATE JUDGE MICHAEL J. ROEMER OF THE U.S.
DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK**

TO: All current and former remote/hybrid hourly employees employed in any state except for Pennsylvania in a position to contact consumers by Capital Management Services, L.P. between January 13, 2022 and September 9, 2025 or by Center One, LLC in any state except for Pennsylvania in a position to contact consumers between January 13, 2022 and September 9, 2025.

RE: Fair Labor Standards Act (“FLSA”) Lawsuit against Capital Management Services L.P. and Center One, LLC seeking compensation for minimum and overtime wages for hours worked by current and former remote/hybrid non-exempt employees. *Stoot, et al. v. Capital Management Services, L.P., et al., Case No. 1:24-cv-00592-LJV*, pending in the United States District Court for the Western District of New York.

1. PURPOSE OF THIS NOTICE

The purpose of this notice is to inform you of the existence of a collective action lawsuit in which you are eligible to participate. This notice is also intended to advise you as to how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in the lawsuit.

2. DESCRIPTION OF THE ACTION

Plaintiffs Robin R. Soot, Lisa A. Phillips, and Vanessa Hill (“Named Plaintiffs”) brought a lawsuit against Defendants Capital Management Services, L.P. and Center One, LLC in the United States District Court for the Western District of New York. Plaintiffs are pursuing this lawsuit on behalf of themselves and all other current and former employees of Defendants, as defined above.

Named Plaintiffs allege that Defendants improperly required them to perform their Clock-in Duties off-the-clock before the beginning of their shifts, such that they were not compensated for all hours worked, including all worked in excess of forty (40) in a workweek at the rates required by the FLSA. Similarly, Named Plaintiffs allege that they experienced unpaid rest periods, unpaid technical issues, and unpaid meal breaks, in violation of the FLSA. Named Plaintiffs are seeking payment for unpaid wages, including overtime, compensatory, punitive and liquidated damages, attorneys' fees and expenses.

On September 9, 2025, the Court conditionally certified this lawsuit as a collective action and authorized that this notice be sent to persons fitting the definition above.

Defendants deny the allegations in the lawsuit and deny that they violated the law. The Court has not yet decided whether Named Plaintiffs are correct or whether Defendants are correct. The right to any recovery has not been established and is not guaranteed or certain.

3. YOUR RIGHT TO PARTICIPATE IN THIS ACTION

The United States District Court for the Western Division of New York authorized the distribution of this notice to

All current and former remote/hybrid hourly employees employed in any state except for Pennsylvania in a position to contact consumers by Capital Management Services, L.P. between January 13, 2022 and September 9, 2025 or by Center One, LLC, in any state except for Pennsylvania in a position to contact consumers between January 13, 2022 and September 9, 2025.

If you received this Notice and fit this definition, you may be eligible to join this lawsuit.

4. HOW TO PARTICIPATE IN THIS ACTION

You may join this lawsuit only if you meet the class definition above. You are not required to join this lawsuit. However, if you wish to join this lawsuit, you may do so by mailing your completed and signed "Consent to Become a Party Plaintiff" form in the self-addressed stamped envelope provided.

You may also email or fax the "Consent to Become a Party Plaintiff" form to:

[Insert administrator information, including e-mail and fax]

Additionally, you may complete the form using the link provided in the notice that you may receive by e-mail and/or text.

This form must be completed by and returned as postmarked, faxed, or emailed by **[60 days from the date of mailing of the notice]**. If your signed "Consent to Become a Party Plaintiff form is not postmarked, faxed, or e-mailed by the **[60 days from the date of mailing of the notice]**, you will not be able to participate in the lawsuit, and you will not be eligible to participate in any recovery that may be obtained by the lawsuit.

5. NO RETALIATION PERMITTED BY DEFENDANTS

If you choose to join this lawsuit, federal law prohibits Defendants from retaliating against you because of your participation. It is also illegal for Defendants to discharge you for joining.

6. EFFECT OF JOINING THIS ACTION

If you choose to join this lawsuit, you will be bound by any judgment issued by the Court, whether favorable or unfavorable. You will also be bound by, and share in, any settlement that may be reached on behalf of the collective class. That means that, if Plaintiffs win, you may be eligible to share in any monetary award; if Plaintiffs lose, no money will be awarded, and you will not be able to file another lawsuit regarding the matters raised in this lawsuit.

If you join this lawsuit, you may be required to provide information about your employment with Defendants, answer written questions, produce documents, sit for a deposition, and/or testify in court. You will give up the right to file a separate action for the claims made in this case.

By joining this action, you are designating the attorneys identified in paragraph 8 to represent your interest, unless you retain an attorney of your own choice to represent you or proceed without an attorney. In addition, you designate the Named Plaintiffs as your agents to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiff's counsel concerning fees and costs, the entering into a settlement agreement with Defendants Capital Management Services, L.P. and Center One, LLC and all other matters pertaining to this action.

You are not required to pay attorneys' fees or court costs at this time. If Plaintiffs prevail, Plaintiffs' counsel will seek an order requiring Defendants Capital Management Services, L.P. and Center One, LLC to pay their reasonable attorneys' fees and expenses. The Court must approve any award of attorneys' fees and/or costs.

7. EFFECT OF NOT JOINING THIS LAWSUIT

If you choose not to join this action, you will not be bound by any judgment or settlement, whether favorable or unfavorable, and you will not share in any recovery. You will be free to file your own lawsuit; however, the pendency of this action will not stop the running of the statute of limitations as to any claims you may have until you file your own lawsuit.

8. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this lawsuit, your interests will be represented by:

<p>Robert E. DeRose Nickole K. Iula Anna R. Caplan BARKAN MEIZLISH DEROSE COX, LLP 4200 Regent Street, Suite 210 Columbus, OH 43219 Telephone: 614-221-4221 consents@barkanmeizlish.com</p>	<p>David Manes MANES & NARAHARI, LLC One Oxford Centre 301 Grant Street, Suite 270 Pittsburgh, PA 15219 Telephone: 412-626-5626 dm@manesnarahari.com</p>
<p>Robert L. Mullin FERR & MULLIN, P.C. 40 Wildbriar Road Rochester, NY 14623 Telephone: 585-869-0210 rlmullin@ferrmullinlaw.com</p>	<p>Hans A. Nilges NILGES DRAHER, LLC 7034 Braucher St. NW, Suite B North Canton, OH 44720 Telephone: 330-470-4428 notice@ohlaborlaw.com</p>

9. FURTHER INFORMATION

Further information about this Notice or the action may be obtained from Plaintiffs' counsel at 1-800-274-5297 or by emailing consents@barkanmeizlish.com. The call is free and confidential.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR OF THE DEFENSES RAISED BY CAPITAL MANAGEMENT SERVICES, L.P. AND CENTER ONE, LLC

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

_____	:	
	:	
ROBIN R. STOOT, <i>et al.</i> ,	:	
	:	CASE NO. 1:24-cv-00592-LJV
Plaintiffs,	:	
v.	:	Judge Lawrence J. Vilardo
	:	
CAPITAL MANAGEMENT SERVICES,	:	Magistrate Judge Michael J. Roemer
L.P., <i>et al.</i> ,	:	
Defendants.	:	
_____	:	

CONSENT TO JOIN FORM

Pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), I hereby consent, agree, and opt-in to be a party Plaintiff in the above-captioned action.

I worked for Capital Management Services, L.P. and Center One, LLC as a remote or hybrid hourly employee and agree to be bound any adjudication or court rulings in this lawsuit, whether favorable or unfavorable. I understand that reasonable costs expended by Plaintiffs' counsel on my behalf will be deducted from any settlement or judgment amount on a pro-rata basis among all other plaintiffs. I understand that Plaintiffs' counsel will petition the Court for an award of attorneys' fees from any settlement or judgment. I further give Plaintiffs' Counsel express prior permission to text, fax, or email me.

I hereby designate the law firm of Barkan Meizlish DeRose Cox, LLP to represent me in this lawsuit.

Signature: _____

Print Name: _____

Date Signed: _____

**Must be signed and postmarked, faxed, emailed or otherwise returned
to [TPA] by [DATE].**

Contact Information

The information requested on this page is for internal attorney use and will not be shared with your employer or filed with the court.

Name(s): _____
(Please list all names you use or are known by)
Street Address and Mailing Address if different: _____

City, State & Zip Code (to receive mail): _____

Telephone: _____ Cell Phone: _____

Personal Email Address(es): _____

Name & Relationship of person to contact if we cannot get in touch with you (someone who will always know how to contact you):

Phone Number for alternative contact: _____

Email Address for alternative contact: _____

Job Title(s): _____ Supervisor(s): _____

Primary Work Location: _____ Last Hourly Rate: _____

Employment Start Date: _____ Employment End Date: _____

Additional Terms & Information

Section 216(b) of the Fair Labor Standards Act, 29 U.S.C. §216(b), encourages employees to band together to enforce their rights to minimum wages and overtime pay.

It is illegal for an employer to retaliate against an individual for exercising his or her rights (such as by participating in this lawsuit, or by submitting this document, or talking to attorneys about his or her rights to full compensation for work performed).

Unless you retain other legal counsel, at your own expense, you will be represented in this class action lawsuit / action for court supervised notice by Barkan Meizlish DeRose Cox, LLP (“class counsel”). No prepayment of legal fees or costs is required. If the class action or action for court supervised notice is later de-certified, class counsel will inform you of your options; and class counsel may ask you to enter into a separate written retainer agreement at that time.

By joining this lawsuit, you agree to stay in contact with class counsel throughout the pendency of the lawsuit and to provide timely assistance to the attorneys and their staff, including preserving and providing documents and discovery responses, returning phone calls and emails, and testifying at depositions and trial. Please advise class counsel immediately of any change of address or employment; any bankruptcy filing; or any criminal conviction.

Attorneys shall be entitled to no fee unless awarded/approved by the court. In addition, any costs advanced by class counsel may be deducted from any amount you receive on a pro rata basis with all other plaintiffs.

Whether you have a claim or are entitled to damages cannot be determined until we review your information and employment history. Class counsel makes no guarantees or representations about the probable outcome of this lawsuit.

If you ever have questions or need to talk to class counsel, we can be contacted as follows: Nickole K. Iula, Esq., 4200 Regent Street, Suite 210, Columbus, OH 43219, (614) 221-4221, niula@barkanmeizlish.com.