

NOVEMBER 2002 NEWSLETTER
OVERTIME WAGES, MEAL PERIOD WAGES NEWSLETTER
FOR SHURGARD STORAGE CENTERS MANAGERS

**OVERTIME LAWSUIT AGAINST
SHURGARD STORAGE CENTERS, INC.**

On October 30, 2002, the law firm of Righetti♦Wynne filed a federal nation-wide lawsuit against Shurgard Storage Centers, Inc., on behalf of all current and former Area Managers, Managers, Managers-in-Training and Associates (Shurgard Employees). The Complaint alleges that Shurgard maintains a company policy and practice of requiring employees to work “off-the-clock” hours, arriving early and staying late each night without compensation, doing things such as completing paperwork, preparing computers, cleaning storage units and making banking deposits. The Complaint also alleges that Shurgard requires employees to be on call and respond to security calls and customer service upon demand, 24 hours per day, and to provide customer services during meal periods. Based upon the information provided to us by the many employees responding to our initial newsletter, we are of the opinion that these allegations will be legally and factually proven.

FLSA REQUIREMENTS

The action against Shurgard has been filed in the Federal District Court of the Northern District of California. The lawsuit is brought as a nationwide collective action for former and current Shurgard employees for violations of Fair Labor Standards Act (FLSA). The lawsuit also includes claims under California law for Shurgard’s current and former California employees.

PLEASE NOTE: An FLSA action is an “**opt-in**” collective action under Federal Law. **This means that all current and former employees will need to give their consent, in writing, in order to be included in the action.** One of the possible reasons that the Court could refuse to permit the case to proceed as a collective action would be if not

enough current and/or former employees consent to the action.

All written consents must eventually be filed with the Court, accessible to public review. Only if you provide written consent to be included in the action, will you be able to participate in any recovery, if any, in this action. If you consent, you will be bound by any final determination by the Court. If you decline to provide written consent, you will not be bound by any judgment, but may also not participate in the action or recovery, if any.

Within the next few months, we will be requesting that the Court Conditionally Certify the Collective Action and require Shurgard to provide us with the names, addresses and telephone numbers of all current and former employees so that we may mail a Consent To Join form to all employees. If the Court approves our Motion, a Court-approved Notice of the Action and Consent Form will be provided to all former and current Shurgard employees. At that time, you will be able to complete the consent form and return it to either our offices or directly to the Court.

Based upon the information provided to us by the many current and former Shurgard employees who have contacted us, we are confident that the Court will provide conditional certification of this action.

KNOW TO WHOM YOU ARE TALKING

Shurgard will undoubtedly be represented by attorneys knowledgeable in overtime laws. You should be aware that Shurgard’s attorneys are NOT your attorneys – they do not represent the employee’s interests. They do and must represent only the interests of Shurgard. If someone calls you and wants to talk to you about this case, ask the person to identify him or herself and ask them (1) what law firm they are with, and (2) whom they represent. The attorney is under an obligation to tell

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you the truth. You do not have to talk to Shurgard's attorneys if you do not wish to.

SHURGARD MAY REQUEST EMPLOYEE INTERVIEWS

Shurgard and/or its attorneys may choose to interview employees to gather information regarding the lawsuit. We believe that the purpose of any interviews by Shurgard will be to gather information to attempt to defeat the case and to stop employees from making any monetary recovery. We do not believe, claim or expect that Shurgard will try to take advantage of its employer/employee relationship to coerce employees to testify against their interests. However, you should know and keep in mind that threatening or intimidating someone with job loss, retaliatory action or demotion in exchange for favorable testimony is illegal and will not be tolerated by the Court.

YOU HAVE THE RIGHT TO REFUSE TO BE INTERVIEWED BY SHURGARD OR ITS ATTORNEYS

You do not have to participate in any interview with Shurgard's attorneys and Shurgard cannot retaliate against you for refusing.

YOUR RIGHTS – KNOW THEM

Should you choose to participate in any interviews with Shurgard or its attorneys, there are a number of things you should know: (1) Anything you say can be used against you to defeat your claim for unpaid compensation; (2) you do not have to talk to Shurgard's attorneys; (3) you have the right to have an attorney present; (4) the attorneys prosecuting this case are willing to represent you at any such interview free of charge; (5) Shurgard cannot retaliate against you for refusing to talk with them; (6) Shurgard cannot retaliate against you for talking to the Plaintiffs' attorneys; (7) Shurgard's attorneys do not represent you – they only owe a duty to

Shurgard; (8) Shurgard's interests are likely to be the opposite of yours; and, (9) this Complaint seeks a collective action for unpaid wages owed to Shurgard employees – Shurgard will likely deny that any unpaid wages are due and/or deny that the case should proceed as a collective action.

DON'T SIGN ANYTHING THAT ISN'T TRUE

If you do decide to proceed with any interviews with Shurgard and/or its attorneys, **tell the truth**. Do not agree to anything you do not understand. Do not sign anything you did not say. Do not let them put words in your mouth or change your testimony in any way. Remember: a declaration or affidavit is a sworn statement under penalty of perjury.

PUBLISHER INFORMATION

We are prosecuting an overtime class action against Shurgard Storage Centers on behalf of all Area Managers, Managers, Managers-in-Training and Associates. We are responsible for this newsletter. All of the information in this Newsletter is our opinion based on information to date.

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