

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

MICHELLE BENEDICT, THUHA TRAN,
DEBRA KELLEY, TANNA BENNETT,
PATRICIA SANCHEZ, MARY DUNHAM,
and ROBERTA BLEA on behalf of themselves
and others similarly situated,

Plaintiffs

v.

Case No. D-202-CV-2022-07164

CITY OF ALBUQUERQUE,

Defendant.

NOTICE OF COLLECTIVE ACTION AND OPPORTUNITY
TO JOIN A LAWSUIT TO RECOVER BACK WAGES AND OTHER BENEFITS
FOR FEMALE EMPLOYEES OF THE CITY OF ALBUQUERQUE

**** THIS NOTICE MAY AFFECT YOUR RIGHTS – PLEASE READ CAREFULLY ****

To: All current and former female employees of the City of Albuquerque, excluding police officers, police service aides, cadets in the Albuquerque Police Academy, women employed by the Albuquerque Fire Department, and all female employees who opted into Pino, et al. v. City of Albuquerque, No. D-202-CV-2018-03591 (“Pino”) (“the Class”).

Re: Collective action lawsuit against the City of Albuquerque for violations of the New Mexico Fair Pay for Women Act.

The purpose of this notice is to inform all current and former female employees of the City of Albuquerque that a collective action lawsuit has been filed against the City of Albuquerque pursuant to the New Mexico Fair Pay for Women Act seeking equivalent pay and other benefits for women who were paid less than men for the same work from November 28, 2016, until the present. Excluded from the collective action are police officers, police service aides, cadets in the Albuquerque Police Academy, women employed by the Albuquerque Fire Department and women who opted into the Pino lawsuit. A description of your rights and the instructions as to how you can participate in this lawsuit and make a claim for payment of back wages and other benefits follows.

1. WHAT THE LAWSUIT IS ABOUT

The Plaintiffs are female City of Albuquerque employees. They have filed this lawsuit seeking to recover the difference between the amount of pay they received and the amount men were paid for the same work (grade) and to ensure their benefits, such as retirement and overtime pay, are based on the amount they should have been lawfully paid. Plaintiffs claim that they, and other graded female employees of the City of Albuquerque, were paid less than men who worked the same job in violation of statutory requirements.

2. WHO CAN PARTICIPATE IN THIS LAWSUIT

Any female employee who works or worked for the City of Albuquerque any time since November 28, 2016, and were paid less than men for the same work can join in this lawsuit. You can join the lawsuit even if you no longer work for the City of Albuquerque. Police officers, police service aides, cadets in the Albuquerque Police Academy, and women employed by the Albuquerque Fire Department may not join the lawsuit, nor any women who participated in the Pino lawsuit.

3. HOW TO PARTICIPATE IN THIS LAWSUIT

If you wish to join this lawsuit, you must complete the enclosed “Consent to Join Suit” form (prepaid and addressed postcard) and:

- **Mail it; or**
- **Fax it to (505) 407-2922; or**
- **Email it to benedict@smith-law-nm.com; or**
- **Go to www.benedictclass.com and follow the instructions to join**

The “Consent to Join Suit” form (postcard) or joined through the website must be received no later than NOVEMBER 29, 2023.

You must return the “Consent to Join Suit” form or join the lawsuit through the website in order to become a member of the Class represented by the Plaintiffs and receive any benefits that may be obtained from the lawsuit. It is your choice whether or not to participate in this lawsuit.

If you have not received a copy of this Notice and the “Consent to Join Suit” form, and would like to join the lawsuit to have the opportunity to obtain back wages and other benefits or are unable to join the lawsuit by visiting the website, you should call (505) 200-2331 or email counsel for the Class at benedict@smith-law-nm.com and request a copy of this Notice and a “Consent to Join Suit” form.

This Notice does not guarantee that you will receive compensation. The case is still proceeding and the Court will make a decision at a later date on the merits of the lawsuit. **If you do not submit the “Consent to Join Suit” form or join the lawsuit through the website, and the Court awards compensation to those who have chosen to become members of the Class, then you will not receive any award.**

YOUR LEGAL RIGHTS AND OPTIONS IN THE COLLECTIVE ACTION	
IF YOU ASK TO BE INCLUDED BY FILLING OUT AND RETURNING THE “CONSENT TO JOIN SUIT” FORM OR JOINING THROUGH THE WEBSITE	By signing the “Consent to Join Suit” form and returning it by November 29, 2023 , or joining the lawsuit through the website, www.benedictclass.com , you join the collective action as a Class member and may receive money or other benefits that could result from settlement or trial.
IF YOU DO NOTHING	If you do nothing, then you will not be a member of the Class in this lawsuit. If money or benefits are later awarded as part of this lawsuit, you will not be entitled to any portion of the award.

4. EFFECT OF JOINING THIS CASE

If you choose to join this case as described above, you become a member of the Class and will therefore be bound by any judgment in the case. **If the court determines that the class should receive compensation, you will receive an award.** You understand the Plaintiffs in this case will, in consultation with the Class lawyers, make decisions about the case, including the manner and method of conducting this litigation, and other matters pertaining to this lawsuit. These decisions will be binding on you if you join this lawsuit.

If the lawsuit is successful, the attorneys representing the Plaintiffs and the Class will seek reasonable attorneys’ fees and costs from the Court. The Court will have to approve any fees and costs as fair and reasonable.

5. EFFECT OF NOT JOINING THIS CASE

If you do not wish to be part of the lawsuit, you do not need to do anything. If you do not join the lawsuit, you will not be part of the case in any way and you will not be bound by or affected by the result. If compensation is awarded and you do not join this lawsuit, you will not receive any

part of the award in this matter.

6. NO RETALIATION PERMITTED

New Mexico law prohibits the City of Albuquerque or anyone else from discharging or taking an adverse employment action against you for participating in this lawsuit.

7. NO WAGE REDUCTION FOR ANY CITY EMPLOYEE PERMITTED

The New Mexico Fair Pay For Women Act prohibits the City of Albuquerque or any employer from reducing the wages of any employees to comply with the Act. This means that if the Court determines the City of Albuquerque has violated the Act, female employees who have joined the lawsuit will have their wages increased to the wage paid to the highest paid male employee doing the same work and **male employees' wages cannot be reduced as a result of this lawsuit.**

8. YOUR LEGAL REPRESENTATION IF YOU JOIN THIS LAWSUIT

The lawyers representing the Plaintiffs and the Class are:

Alexandra Freedman Smith
Law Office of Alexandra Freedman Smith
925 Luna Circle NW
Albuquerque, NM 87102
Phone:(505) 200-2331; Fax:(505) 407-2922
asmith@smith-law-nm.com

David A. Freedman
Freedman Boyd Hollander & Goldberg, P.A.
20 First Plaza NW, Suite 700
Albuquerque, NM 87102
Phone: (505) 842-9960; Fax: (505) 842-0761
daf@fbdlaw.com

9. FURTHER INFORMATION

Filings in this case may be obtained by contacting Plaintiffs' counsel.

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THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE DISTRICT COURT, HONORABLE DENISE BARELA SHEPERD, DISTRICT COURT JUDGE FOR THE SECOND JUDICIAL DISTRICT OF NEW MEXICO. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR THE CITY OF ALBUQUERQUE'S DEFENSES. PLEASE DO NOT CONTACT THE COURT, THE COURT'S CLERK, OR THE JUDGE. THEY ARE NOT PERMITTED TO ADDRESS YOUR INQUIRIES OR QUESTIONS.