

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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CARL NELSON, on behalf of  
himself and others similarly  
situated,

*Plaintiff,*

Case No. 1:21-cv-00895-AJT-MSN

**NOTICE OF PENDING LAWSUIT**

v.

W.E.K. ENTERPRISES, LLC,  
formerly known as ROADTEK  
TRAFFIC SOLUTIONS LLC,

*Defendant.*

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**TO: ALL INDIVIDUALS WHO WERE EMPLOYED BY DEFENDANT AS FLAGGERS, CREW CHIEFS, OR OTHER SIMILAR POSITIONS WHO WERE NOT COMPENSATED FOR ALL OF THEIR HOURS WORKED, INCLUDING, BUT NOT LIMITED TO, ABOVE FORTY (40) PER WEEK, AND/OR WHO WERE NOT PAID OVERTIME COMPENSATION AT THE PROPER OVERTIME RATE, FROM DECEMBER 15, 2018, THROUGH OCTOBER 29, 2020, THE DATE AREA WIDE PROTECTIVE, INC. PURCHASED DEFENDANT'S ASSETS.**

**RE: WAGE AND HOUR LAWSUIT FILED AGAINST W.E.K. ENTERPRISES, LLC,  
formerly known as ROADTEK TRAFFIC SOLUTIONS LLC.**

**I. INTRODUCTION**

The purpose of this notice is to:

- 1) Inform you that a lawsuit exists that you may join
- 2) Advise you of how your rights may be affected by this lawsuit, and
- 3) Instruct you on the procedure for participating in this lawsuit, should you choose to do so.

**II. DESCRIPTION OF LAWSUIT**

A lawsuit has been brought against W.E.K. Enterprises, LLC, formerly known as RoadTek Traffic Solutions LLC (“RoadTek” or “Defendant”). Named Plaintiff Carl Nelson (“Named Plaintiff”) alleges that RoadTek has violated the Fair Labor Standards Act (“FLSA”) and Virginia Wage Payment Act (“VWPA”) by failing to pay Flagger, Crew Chiefs, and similar positions, for all hours worked; and for failing to pay at the appropriate straight-time rate, and premium overtime rate for all hours worked in excess of 40 per week. Named Plaintiff seeks to recover minimum wage and overtime wages due, liquidated damages in an equal amount, reasonable attorneys’ fees and costs, and all other legal and equitable relief as the Court deems just and proper.

**III. COMPOSITION OF CLASS**

Named Plaintiff seeks to sue on behalf of two classes of individuals:

- A. The FLSA Conditional Class – All individuals employed by Defendant who, in any week during the period December 15, 2018, through October 29, 2020, (i) performed flagger, crew chief, or

similar job duties; (ii) were paid on an hourly basis; (iii) performed off-the-clock unpaid work duties; and (iv) were not paid by Defendant at the FLSA required time-and-one-half rate for all overtime worked over forty (40) hours.

- B. The VWPA Conditional Class – All individuals employed by Defendant who, in any week during the period July 1, 2020, through October 29, 2020, (i) performed flagger, crew chief, or similar job duties; (ii) were paid on an hourly basis; (iii) performed off-the-clock unpaid work duties; and (iv) were not paid by Defendant for all compensable non-overtime (less than 40) duties performed.

#### **IV. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT**

According to Defendant’s personnel records, you were employed by Defendant in one or more of the positions included in this case during the relevant time period. Therefore, you may join in the FLSA and VWPA claims raised in this lawsuit by completing and mailing, faxing, or emailing a signed copy of the enclosed Plaintiff Consent Form to Plaintiffs’ lawyers at the following address:

The Spiggle Law Firm, PLLC  
ATTN: Lisbeth Rivera  
3601 Eisenhower Ave, Suite 425  
Alexandria, Virginia 22304  
Tel: (703) 337-3558, ext 2  
Fax: (202) 517-9179  
[lriviera@spigglelaw.com](mailto:lriviera@spigglelaw.com)

Your Consent to Join form must be submitted or postmarked by no later than **July 19, 2022**. A first class self-addressed and stamped envelope is included for your convenience. You may also submit a Consent to Join form online by visiting [www.roadtekclassaction.com](http://www.roadtekclassaction.com). Plaintiffs’ lawyers will file with the Court all Plaintiff Consent Forms that have been filled out, signed, and postmarked or submitted on or before **July 19, 2022**.

If you file a Plaintiff Consent Form, your continued right to participate in the suit may depend upon a later decision by the Court that you are an appropriate participant in accordance with federal or Virginia law.

#### **V. EFFECT OF JOINING OR NOT JOINING THIS LAWSUIT**

If you choose to join the lawsuit, you will be bound by any ruling, judgment or settlement, favorable or unfavorable. While the lawsuit is proceeding, you may be required to provide information or otherwise participate in the action.

If you choose to join this case by filing a Plaintiff Consent (“Opt-in”) Form, you will be agreeing to representation by Plaintiff’s Counsel. The specific terms and conditions of representation are set forth in Section VIII and in the Consent Form. If you do not join this action, you are free to take action on your own.

If you choose not to join the lawsuit, you will not be bound by any ruling, judgment or settlement entered in the case, favorable or unfavorable. You will not receive a share of any judgment or settlement obtained. If you choose not to join this lawsuit, you will retain any rights you may have under the FLSA.

#### **VI. STATUTE OF LIMITATIONS**

Plaintiffs’ claims in this action are limited to a three-year statute of limitations. If you choose to join this action, you may be able to recover damages if you were improperly denied compensation only for time worked within the two or three years prior to the date you file your consent form. If you choose not to join this action, or choose to bring your own action, some or all of your potential claims may later be barred by the applicable statute of limitations.

## **VII. NO RETALIATION PERMITTED**

Federal and Virginia law prohibit retaliation against employees for exercising their rights under the FLSA and/or VWPA. Therefore, Defendant is specifically prohibited from discharging you or retaliating against you in any other manner just because you choose to participate in this action.

## **VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join the lawsuit, your interests will be represented by counsel for Plaintiff. Plaintiff's Counsel are:

Gregg C. Greenberg  
ZIPIN, AMSTER & GREENBERG, LLC  
8757 Georgia Avenue, Suite 400  
Silver Spring, Maryland 20910  
Telephone: (301) 587-9373  
Facsimile: (240) 839-9142  
<https://zagfirm.com>

Francisco E. Mundaca  
Robert W.T. Tucci  
Nicole Portnov  
THE SPIGGLE LAW FIRM, PLLC  
3601 Eisenhower Ave., Suite 425  
Alexandria, Virginia 22304  
Telephone: (703) 337-3558, ext 2  
Facsimile: (202) 517-9179  
<https://www.spigglelaw.com>

Plaintiff's attorneys are being paid on a contingency basis, which means that if there is no recovery, there will be no attorneys' fees. If there is a recovery, the attorneys will receive a part of any settlement obtained or money judgment entered in favor of all members of the class, or fees the Court directs Defendant to pay separately. Any payment of attorneys' fees will require approval of the Court.

Plaintiffs' attorneys will advance necessary costs and out-of-pocket disbursements and expenses on your behalf in this litigation. In the event that necessary costs and out-of-pocket disbursements are not approved by the Court to be reimbursed from any settlement or judgment, or paid by Defendant, you will have no obligation to reimburse Plaintiffs' attorneys for such costs.

## **IX. FURTHER INFORMATION**

Further information about the lawsuit or this notice may be obtained by contacting Plaintiffs' attorneys at the address or phone number provided above or by visiting [www.roadtekclassaction.com](http://www.roadtekclassaction.com).

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, THE HONORABLE ANTHONY J TRENGA, UNITED STATES DISTRICT JUDGE. THE COURT TAKES NO POSITION REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR DEFENDANTS' DEFENSES. DO NOT CONTACT THE CLERK OF COURT REGARDING THIS NOTICE.**