

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

VICKIE JEFFREYS Individually and on )  
Behalf of All Other Persons Similarly )  
Situated, ) Civ. No. 19-CV-4996 (JPC)  
)  
Plaintiff, )  
)  
v. )  
)  
THE ESTEE LAUDER COMPANIES INC., )  
ESTEE LAUDER INC., ELC BEAUTY )  
LLC, ELC MANAGEMENT LLC, and JO )  
MALONE INC., )  
)  
Defendants. )

**STIPULATION AND ORDER REGARDING CONDITIONAL CERTIFICATION,  
ISSUANCE OF COLLECTIVE ACTION NOTICE AND  
DISCLOSURE OF CONTACT INFORMATION**

The Parties have agreed to conditional certification in this action pursuant to Section 216(b) of the Fair Labor Standards Act, and to issue notice of the action to a putative collective. The Parties have agreed as to which employees are eligible to receive the Notice, the form and content of the Notice, and the manner in which the Notice will be distributed (subject to the Court's approval);

It is stipulated and agreed as follows:

1. Notice shall be sent to all individuals who meet the following qualifications:

All individuals who worked as a "Freelancer" for Jo Malone in New York, California, New Jersey, Arizona, Virginia, or Illinois, at any time from three years prior to the date notice is issued to the present.

2. The individuals to whom Notice is sent shall be referred to as the "Collective Action members."

3. The Notice and Consent Form documents attached as Exhibit A will be sent to the Collective Action members by mail.

4. Within 21 days after Plaintiff's receipt of the information described in Paragraph 7 below, the approved Notice and Consent Form shall be sent to the Collective Action members, via First Class Mail (with an enclosed self-addressed, stamped return envelope), and email, by a third-party administrator ("TPA"), selected by Plaintiff, and retained by Plaintiff at his initial expense, without prejudice to seek reimbursement. The envelope for mailings shall include the TPA's mailing address, have the words "Court-Authorized Notice of Rights Enclosed" and the lawsuit's caption and case number. The subject line for email distribution of Notice shall state "Court-Authorized Notice of Rights" and the lawsuit's caption and case number. The body of the email will mirror the contents of the Notice;

5. The Collective Action members shall have 45 days from the date on which the Notice is mailed (the "Opt-in Period") to return the Consent form in the manner set forth in the Notice. Individuals whose initial Notice is returned as undeliverable and for whom a forwarding address is supplied or discovered, shall have 10 additional days from the date on which a second Notice is sent, to return the Consent form to the TPA. Only individuals submitting a Consent form by the deadlines set forth herein shall be eligible to join the collective action in this matter unless Defendant consents otherwise, in writing, or Plaintiffs make an application to the Court demonstrating that good cause exists for accepting any untimely submission;

6. Consent forms shall be submitted to the TPA, which will promptly provide all Consents to Plaintiff's counsel. Within seven days of receipt of a Consent form, Plaintiff's counsel shall electronically file such Consent form via the Court's electronic case filing system ("ECF"), on the docket in this matter. Consent forms may be submitted to the TPA by mail, fax,

or by submission of electronically signed Consent forms via an online portal maintained by the TPA, on a case-specific notice website, subject to the TPA's two factor authentication (i.e., individually assigned user IDs and passwords);

7. Within 14 business days after the Court has "So Ordered" this Stipulation, Defendant shall provide the TPA and Plaintiff's counsel with a computer-readable list containing all Collective Action members' names, last known mailing addresses, and personal email addresses (to the extent available). Defendant shall deliver to the TPA and Plaintiff's counsel, the last known telephone numbers and social security numbers for any Collective Action member within seven days of the TPA providing notice that it has been unable to locate a Collective Action member using skip-tracing methods.

Dated: October 1, 2020

/s/ Fran L. Rudich

Fran L. Rudich  
Seth R. Lesser  
Christopher Timmel  
KLAFTER OLSEN & LESSER LLP  
Rye Brook, NY 10573  
Tel: (914) 934-9200  
Email: seth@klafterolsen.com  
fran@klafterolsen.com  
christopher.timmel@klafterolsen.com

/s/ Wendy J. Mellk

Wendy J. Mellk  
Adam S. Gross  
Gregory S. Slotnick  
JACKSON LEWIS P.C.  
New York, NY 10017  
Tel: (212) 545-4000  
Email: wendy.mellk@jacksonlewis.com  
adam.gross@jacksonlewis.com  
gregory.slotnick@jacksonlewis.com

Yongmoon Kim  
KIM LAW FIRM LLC  
411 Hackensack Ave, Suite 701  
Hackensack, NJ 07601  
Tel. & Fax: (201) 273-7117  
Email: ykim@kimlf.com

***Attorneys for Defendants***

***Attorneys for Plaintiff and the Collective***

SO ORDERED:

---

Hon. John P. Cronan  
United States District Judge  
Southern District of New York  
New York, NY 10007  
Dated: October \_\_\_\_, 2020

# EXHIBIT A

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

The purpose of this Notice is to inform you of the existence of a collective action lawsuit brought by Plaintiff Vickie Jeffreys and joined by 8 current and former Jo Malone Freelancers (“Plaintiffs”). This notice provides information about whether you may be eligible to participate in the lawsuit. The caption of the lawsuit is *Jeffreys v. The Estée Lauder Companies Inc., Estee Lauder Inc., ELC Beauty LLC, ELC Management LLC and Jo Malone Inc.* (collectively, “Jo Malone”).

TO: All individuals who worked as a “Freelancer” for Jo Malone in New York, California, New Jersey, Arizona, Virginia or Illinois, at any time on or after [insert three years from date of notice].

RE: This is an official Court-Ordered Notice from the United States District Court for the Southern District of New York, but the Court has taken no position on the merits of the claims in this lawsuit. This is not a solicitation from a lawyer. You may have rights under this collective action lawsuit.

<b>HERE ARE YOUR RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>JOIN THE LAWSUIT</b>	<p>To participate in this lawsuit, you must complete and return the enclosed “Consent to Join” within forty-five (45) days by either regular mail; email to the following address: _____; or online by visiting: <a href="http://www._____.com">www._____.com</a>.</p> <p>KLAFTER OLSEN &amp; LESSER LLP                      Two International Drive, Suite 350                      Rye Brook, NY 10573                      Email: [insert]</p>
<b>DO NOTHING</b>	<p>You will not be part of the lawsuit and therefore will not be bound by any judgment in the lawsuit whether it is favorable or unfavorable.</p>

- Your rights and options, and the deadlines to exercise them, are explained in this Notice.
- The Court has not expressed any opinion as to the merit of any claim or

defense raised by the parties to the lawsuit.

- Your legal rights to participate in the lawsuit may be affected by the choice that you make now.

## I. Introduction and What this Lawsuit is About

*The Lawsuit.* This lawsuit is called *Vickie Jeffreys, et al. v. The Estee Lauder Companies, Inc, et al.* The lawsuit claims that Freelancers worked over 40 hours in a workweek. Specifically, Plaintiffs claim that Freelancers should have been paid overtime hours when they actually worked over 40 hours in a week, including hours that were not recorded on Jo Malone's time tracking system such as for time Freelancers were allegedly instructed not to input into the Jo Malone time tracking system and hours outside their scheduled shift, such as to prepare and set up the store or counter (before opening and after closing). Jo Malone denies Plaintiffs' allegations in their entirety and maintains that Freelancers were properly compensated for all hours worked, including any overtime hours.

The Court has allowed this Notice on behalf of all persons who are or were employed as Freelancers for Jo Malone in New York, California, New Jersey, Arizona, Virginia, or Illinois at any time from [insert date three years prior to date of notice] to the present.

## II. Why Did I Get This Notice?

You received this notice because Jo Malone's records indicate that you either currently work or previously worked as a Freelancer for Jo Malone in New York, California, New Jersey, Arizona, Virginia or Illinois, at any time on or after [insert three years from date of notice]. This Notice is to inform you of the existence of the case and advise you of your rights. The choice to join this lawsuit is yours.

## III. What Happens If I Join the Lawsuit?

If you choose to join the lawsuit, the lawyers listed below will represent you in your potential claims of unpaid overtime wages against Jo Malone. These attorneys will be paid on a contingency fee basis. This means that they will only

be paid if they are successful in obtaining any wages allegedly owed to you, whether after trial or in a settlement.

If you choose to join this lawsuit, you will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable. That means, if Plaintiffs win, you may be eligible to receive a payment. If Plaintiffs lose, you will receive no money, and you will not be able to file another lawsuit about the issues in the case.

Plaintiffs are represented by:

Seth R. Lesser  
Fran L. Rudich  
Christopher M. Timmel  
Klafter Olsen & Lesser LLP  
Two International Drive  
Suite 350  
Rye Brook, New York 10573  
(914) 934-9200  
www.klafterolsen.com

Yongmoon Kim  
Kim Law Firm LLC  
411 Hackensack Ave., Suite 701  
Hackensack, NJ 07601  
(201) 273-7117

By returning the Consent Form, you choose to join this lawsuit and, if you so choose, these attorneys will represent you.

#### IV. And If I Do Not Join?

If you do not want to join this lawsuit, simply do nothing. If you do not join, you will not be bound by any judgment issued by the Court in this case - whether it is favorable or unfavorable. You will not be entitled to obtain money recovered in this lawsuit, if any, but you will have the right to bring your own claims, assuming any such claims are timely filed.

#### V. How Do I Join?

Enclosed is a Consent Form. If you want to participate in this lawsuit, it is extremely important that you read, sign and mail the Consent Form, in the enclosed prepaid envelope within forty-five (45) days from date of the Notice. You may also fax, scan or email the completed Consent Form to:

Klafter Olsen & Lesser LLP  
Two International Drive  
Rye Brook, New York 10573  
(914) 934-9200  
Email To: \_\_\_\_\_

For your convenience, you may also electronically sign the Consent Form by visiting [www.\\_\\_\\_\\_\\_.com](http://www._____.com), which will contain directions for filling out and electronically signing and submitting the Consent Form. A Consent Form can also be obtained at 1-914-934-9200, ext. \_\_\_\_\_. Should you lose or misplace the enclosed Consent Form, please contact \_\_\_\_\_ at 1- 914-934-9200, ext. \_\_\_\_\_. If you have questions, you may contact Plaintiffs' counsel at (914) 934-9200, ext. \_\_\_\_\_

## VI. Will My Participation Affect My Employment?

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

## VII. How Can I Get More Information?

Additional information can be obtained from Klafter Olsen & Lesser LLP, at the above addresses and telephone numbers. The Court file in this case can also be examined in person at the U.S. District Court for the Southern District of New York, U.S. Courthouse, 500 Pearl Street, New York, NY.

This Notice is not an expression by the Court of any opinion concerning the alleged claims. This Notice simply informs you of the pendency of this litigation and your rights to join, or not join, the lawsuit.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

**CONSENT TO JOIN LAWSUIT**

By my signature below, I hereby authorize the filing and prosecution of claims in my name and on my behalf in the case captioned *Jeffreys v. The Estée Lauder Companies Inc. et al.*, Case No. 19-cv-4996 (JPC), currently pending in the United States District Court, Southern District of New York. I appoint Klafter Olsen & Lesser LLP and Kim Law Firm LLC to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, and all other matters pertaining to this lawsuit, including any settlement of any and all compensation claims(s) I have against Jo Malone.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

**THE FOLLOWING WILL NOT BE FILED ON THE PUBLIC DOCKET**

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_ E-mail: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Last 4 digits of SS: \_\_\_\_\_

Emergency contact and phone number (in case we lose touch with you):

\_\_\_\_\_