

3. **COMPOSITION OF THE JANITOR CLASS**

The named plaintiffs seek to sue on behalf of themselves and also on behalf of other contract janitors with whom they may be similarly situated. Specifically, the named plaintiffs seek to sue on behalf of any and all undocumented or recently documented immigrants who were at any time from January 2000 employed as contract janitors to clean Wal-Mart stores across the United States. The lawsuit does not include Wal-Mart Associates.

4. **DEADLINE OF NOVEMBER 30, 2005 TO JOIN AND YOUR RIGHT TO PARTICIPATE IN THIS SUIT**

If you fit the definition above, you may join in the FLSA claims in this suit (that is, you may “opt in”) provided that you make sure a “Consent to Join” is signed by you and filed promptly with the Court. Consent to Join forms and information regarding the specific filing deadline are available from James L. Linsey and Thomas N. Ciantra at Cohen, Weiss and Simon LLP and Gilberto Garcia at Garcia and Kricko.

Under the Court’s order authorizing this notice, you must file a Consent to Join form within six months of June 1, 2005. **TO BE TIMELY YOUR CONSENT TO JOIN MUST BE FILED WITH THE COURT BY NO LATER THAN NOVEMBER 30, 2005.**

Your eligibility to file a Consent to Join is not affected by any statute of limitations. Even if you file a Consent to Join, however, your continued right to participate in this suit may depend upon a later decision by the District Court that no statute of limitations has run against you. In addition, your continued right to participate may depend upon a later decision that you and the named plaintiffs are similarly situated, in accordance with federal law and that other federal law requirements are satisfied.

5. EFFECT OF JOINING THIS SUIT

If you choose to join this suit, you will be bound by the judgment whether it is favorable or unfavorable. While the suit is proceeding you may be required to provide documentary evidence or testimony under oath at deposition and/or trial. You will not be required to pay attorneys' fees directly. The plaintiffs' attorneys may receive a part of any money judgment entered in favor of the class.

6. RETALIATION FOR FILING A CLAIM IS ILLEGAL

It is unlawful for Wal-Mart to retaliate against a contract janitor who joins in this action. Section 15(a)(3) of the FLSA, makes it unlawful: to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under the FLSA. However, federal immigration law, 8 U.S.C. § 1324a(a)(2), provides that Wal-Mart may not employ any individual who is unauthorized to work in the United States.

7. NO LEGAL EFFECT IN NOT JOINING THE FLSA ACTION

If you choose not to join the FLSA claim, you will not be affected by the judgment, favorable or unfavorable on it.

8. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this suit, your interest will be represented by counsel for the named plaintiffs and claimants. Counsel for the named plaintiffs and claimants are:

James L. Linsey
Thomas N. Ciantra
COHEN, WEISS AND SIMON LLP
330 West 42nd Street
New York, New York 10036
(212) 563-4100
jlinsey@cwsny.com

Gilberto Garcia
GARCIA AND KRICKO
560 Sylvan Avenue
Englewood Cliffs, New Jersey 07632
(201) 894-1942
krickogarcia@aol.com

9. FURTHER INFORMATION

Further information about this suit, the deadline for filing a Consent to Join, and the availability of Consent to Join forms can be obtained:

- by contacting plaintiffs' counsel at the above referenced address, or
- by computer through the internet at the following websites:

The websites listed below are sponsored and maintained by Plaintiffs' counsel. The websites are provided solely as an information source by Plaintiffs' counsel and represent their views about the case. The websites and their content have not been authorized or approved by the Court. The Court takes no position on the merits of any of the named Plaintiffs' claims or of Wal-Mart Stores, Inc.'s defenses.

www.walmartjanitors.com

or

www.walmartamerika.com.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY. THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF WAL-MART STORES, INC.'S DEFENSES. A FINAL DECISION ON CERTIFICATION OF THIS CASE AS A COLLECTIVE ACTION HAS NOT BEEN MADE BY THE COURT.

CONSENT

TO BECOME PARTY PLAINTIFF IN ACTION

UNDER § 16(b) OF FAIR LABOR STANDARDS ACT

[29 U.S.C. § 216]

TO: The clerk of the Court and to all parties and their counsel of record:

I hereby consent to become a party plaintiff in the lawsuit filed against defendant alleging violations of the Fair Labor Standards Act.

Dated: _____
(Fecha)

Signature
(Firma)

Print Name
(Nombre)