

NOTICE OF CLASS ACTION LAWSUIT

Daniels, et al. v. Premium Capital Funding LLC d/b/a/ "Top Dot Mortgage" et al.

United States District Court, Eastern District of New York

TO: TOP DOT LOAN OFFICERS

RE: UNPAID MINIMUM WAGES AND OVERTIME PAY

I. INTRODUCTION

A class action lawsuit has been filed against Premium Capital Funding d/b/a "Top Dot Mortgage" alleging a failure to pay minimum wages and/or overtime pay to loan officers as required by law. If you worked for Top Dot Mortgage in New York as a loan officer or mortgage specialist and were not paid the required minimum wage or overtime, you can join this lawsuit if you choose. This letter advises you how this suit may affect your rights and instructs you on the procedure for participating in this suit, if you choose to join.

II. DESCRIPTION OF THE LAWSUIT

On November 21, 2008, Aaron Daniels and Robert Szwaja sued Top Dot for allegedly failing to pay minimum wages and overtime compensation as required by the Fair Labor Standards Act ("FLSA") and New York State law.

This lawsuit alleges that Top Dot Loan Officers were paid primarily on a commission basis and were not paid the requisite minimum wage for time worked under 40 hours per week or an overtime premium for all time worked in excess of forty (40) hours per week as required by law. The objective of the lawsuit is to compel Top Dot Mortgage to pay Plaintiffs for unpaid minimum wages and overtime, plus interest, statutory penalties, reasonable attorneys' fees and litigation costs. Top Dot Mortgage denies Plaintiffs' allegations.

III. WHO CAN JOIN

The named Plaintiffs have brought FLSA claims on behalf of themselves and:

"any employee who is or has been, at any time within the past three (3) years, employed by Defendants in New York as a loan officer or mortgage specialist and who was not paid minimum wage or overtime as required by law"

If you have already brought a lawsuit against Top Dot Mortgage for failure to pay minimum or overtime wages owed to you, you may not be eligible for this lawsuit.

IV. YOUR RIGHT TO PARTICIPATE IN THIS SUIT

If you meet the above definition of "Who Can Join", you may join this suit if you choose to (that is, you may "opt-in") by returning the attached Opt-in Consent Form, via email, facsimile or U.S. mail to Plaintiffs' counsel at:

ERIK H. LANGELAND, P.C.
Attn: Top Dot Mortgage Class Action
500 Fifth Avenue, Suite 1610
New York, NY 10110
(212) 354-6270 (Phone)
(212) 898-9086 (Fax)
elangeland@langelandlaw.com

Defendants are represented in this lawsuit by the law firm of Cozen O'Connor, by Michael C. Schmidt, Esq., 45 Broadway, 16th Floor, New York, NY 10006.

This form must be returned in sufficient time to have Plaintiffs' counsel file it with the federal court

on or before June 19, 2009. If you do not return the Opt-In Consent Form to Plaintiffs' counsel before the above deadline date, you may not be able to participate in the lawsuit.

V. EFFECT OF JOINING THIS SUIT

If you choose to join in the suit, you will be bound by the judgment or settlement, whether it is favorable or unfavorable. The attorneys for the class Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorneys' fee. If there is a recovery, the attorneys for the class will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. By joining this lawsuit, you designate the class representatives as your agents to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by the representative Plaintiffs will be binding on you if you join this lawsuit.

If you choose to join in the suit and a judgment is entered against the Plaintiffs, then you may be responsible for paying a share of the costs that may be taxed against the Plaintiffs.

VI. NO LEGAL EFFECT IN NOT JOINING THIS SUIT

If you choose not to join this suit, you will not be affected by any judgment or settlement rendered in this case. If you choose not to join in this lawsuit, you are free to file your own lawsuit. The statute of limitations will continue to run on your claim until you join this suit or file your own.

VII. NO RETALIATION PERMITTED

Federal law prohibits Defendants from retaliating against you in any manner because you join this lawsuit.

VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this suit, your interests will be represented by the named Plaintiffs through their attorneys, as counsel for the class. Counsel for the class are:

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IX. FURTHER INFORMATION

You may obtain further information about this Notice, filing an Opt-in Consent Form, or answers to questions concerning this lawsuit by writing or calling Plaintiffs' counsel at the number or address stated above. Please do not contact the Court with questions regarding this Notice.

****PLEASE NOTE****

There is a two (2) year deadline for filing overtime claims (or three (3) years if the violation was willful) running from the date(s) the overtime hours were actually worked. To maximize your recovery, return your Opt-in Consent Form as soon as possible so we may file it with the Court and preserve your rights.