

**APPENDIX A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
LEXINGTON

CIVIL ACTION NO. 06-299-JBC

JUSTIN CRAWFORD, ET AL.,

PLAINTIFFS,

V.

NOTICE OF COLLECTIVE ACTION  
AND CONSENT TO SUE FORM

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT,

DEFENDANT.

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This Notice, which has been sent to you by the Plaintiffs' lawyer, is to advise you of potential rights you may have in connection with a lawsuit against the Lexington-Fayette Urban County Government ("LFUCG").

1. **No Opinion Is Expressed by the Court.** This Notice has been authorized by the United States District Court for the Eastern District of Kentucky, Lexington Division. However, the Court has not made any decision about the merits of this lawsuit or the LFUCG's defenses. Receipt of this Notice does not indicate any finding by the Court that your claim is within the applicable statute of limitation, or that you will recover damages from the LFUCG.

2. **What Is the Lawsuit About?** Nine (9) current and former Division of Community Corrections ("DCC") Employees (Justin Crawford, Bobbi Bartlett, Brian Herbel, Jessica Herbel, Rebecca Grillo, Kevin Johnson, Claud A. Reynolds, Deborah Lennon and Janet Vannatta) filed this lawsuit on September 6, 2006. The Plaintiffs claim that the LFUCG has violated the federal Fair Labor Standards Act ("FLSA") by requiring DCC officers (of all ranks) to remain on duty for longer than forty (40) hours per week (including during Meal and Rest Periods) without compensation, including overtime compensation. The Plaintiffs also claim that the LFUCG has violated the FLSA by awarding compensatory time (or, "comp time") on an hour-for-hour basis in lieu of overtime pay to DCC officers with ranks of Lieutenant, Captain, and Major, and by imposing restrictions on the accrual and use of that "comp time." Based on these allegations, the Plaintiffs also allege that the LFUCG has made improper pension contributions on behalf of current and former DCC Employees. The Plaintiffs seek to recover damages, including unpaid compensation, pension contributions, liquidated (double) damages, and attorneys' fees and costs from the LFUCG. The LFUCG denies the Plaintiffs' allegations. The United States District Court for the Eastern District of Kentucky, Lexington Division, has certified this action as a collective action (which, under federal law, is similar to a "class action").

3. **Who Can Join This Lawsuit?** If you currently work for the LFUCG DCC, or if you have worked for the LFUCG DCC at any time from September 6, 2003, until the present, as an Officer, Corporal, Sergeant, Lieutenant, Major, and/or Captain, you may choose to join this lawsuit. If you have already signed a Consent Form or Employment Agreement with the Plaintiffs' attorney listed in Paragraph 4, you do not need to take any further action in order to be a part of this lawsuit.

4. **How Do I Join the Lawsuit?** If you fit the description in Paragraph 3, you may join this case by completing and mailing the attached "Consent to Sue" Form to the Plaintiffs' lawyer, so that it is **received** by the Plaintiffs' lawyer **no later than** \_\_\_\_\_ [60 days after mailing] at the following address:

Thomas W. Miller, Esq.  
Lynette Mayo, Paralegal  
Miller, Griffin & Marks, P.S.C.  
271 West Short Street, Suite 600  
Lexington, Kentucky 40507  
Telephone: (859) 255-6676  
Email: [twm@kentuckylaw.com](mailto:twm@kentuckylaw.com)  
[lmayo@kentuckylaw.com](mailto:lmayo@kentuckylaw.com)

A return envelope with postage prepaid is enclosed for your convenience.

You may contact the Plaintiffs' lawyer if you wish to have further information about the case. If you fail to return the Consent Form to the Plaintiffs' lawyer in time for it to be filed with the Court on or before the above deadline, you may not be able to participate in this lawsuit.

5. **What Happens After I Join This Lawsuit?** If you choose to join this lawsuit, and if you remain in this lawsuit until its conclusion, you will be bound by the judgment, whether it is favorable or unfavorable. Your right to remain in this suit may depend upon a later decision by the Court that you and the other Plaintiffs are "similarly situated," and/or that your claim is timely under the applicable statute of limitations. You may be required to respond to written questions, attend depositions, and/or testify in Court.

The lawyer for the Plaintiffs is being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorneys' fee. Under the fee agreement, in the event there is a recovery, the Plaintiffs' lawyer will receive as a fee a percentage of any settlement obtained or money judgment entered in favor of the Plaintiffs, and/or by any attorneys' fees which the LFUCG may pay pursuant to any settlement or Court order. A copy of the fee agreement between the representative Plaintiffs and the Plaintiffs' lawyer may be obtained upon request from the Plaintiffs' lawyer, identified in Paragraph 4.

If you sign and return the Consent to Sue Form attached to this Notice, you are agreeing to designate the nine (9) representative Plaintiffs (listed in Paragraph 2) to make decisions on your behalf concerning the litigation, any settlement agreement reached with the LFUCG, any

agreement with the Plaintiffs' attorney concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered by the representative Plaintiffs will be binding on you if you join this lawsuit by returning the attached Consent to Sue Form to the Plaintiffs' lawyer. However, the Court has jurisdiction to determine the reasonableness of any fee agreement with the Plaintiffs' lawyer, and the reasonableness of any settlement agreement which might be reached with the LFUCG.

You can join this lawsuit by representing yourself or by hiring your own counsel. To do so, you or your attorney must file appropriate documents with the Court. The address of the Court is: United States District Court, 101 Barr Street, Lexington, Kentucky 40507. If you do this, you will not be represented in any way or receive legal advice from the Plaintiffs' lawyer identified in Paragraph 4.

6. **How Can I Stay Out of this Lawsuit?** If you do not wish to be a part of this 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, you will not be bound or affected by the result, and you will not receive any damages or other benefits if a settlement is reached or if a judgment is entered against the LFUCG. Your decision not to join this lawsuit will not affect your right to bring your own claim in the future. However, you should be aware that claims under the FLSA are subject to a statute of limitations.

7. **How Can I Obtain More Information?** Further information about this Notice, the Consent to Sue Form, the deadline for completing the Form, or the claims asserted in this lawsuit may be obtained by contacting the Plaintiffs' attorney at the telephone number and address stated in Paragraph 4. Additionally, general information about this lawsuit and about the Plaintiffs' lawyer is available at the lawyer's website, [www.kentuckylaw.com](http://www.kentuckylaw.com). DO NOT CONTACT THE COURT FOR INFORMATION.

8. **No Retaliation Is Permitted.** The LFUCG DCC is prohibited by law from taking any retaliatory action against any person, including a current employee, who joins this lawsuit.

CONSENT TO SUE FORM

I WANT TO JOIN the lawsuit *Justin Crawford, et al., v. Lexington-Fayette Urban County Government*, 5:06-CV-00288-JBC, pending in the United States District Court, Eastern District of Kentucky, as a Plaintiff.

I authorize the attorneys of Miller, Griffin & Marks, P.S.C., its successors and assigns, to represent me in this case. I understand that if my claim is successful, the fees of Miller, Griffin & Marks will be paid by a percentage of any settlement obtained or money judgment entered in favor of the Plaintiffs, and/or by any attorneys' fees which the LFUCG may pay pursuant to any settlement or Court order. If my claim is not successful, I will not owe any fees to Miller, Griffin & Marks.

I designate the representative Plaintiffs as my representatives who shall, to the fullest extent possible, make decisions on my behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with the Plaintiffs' lawyer regarding fees and costs, any settlement which may be reached with the LFUCG on my behalf, and all other matters pertaining to this lawsuit.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (PLEASE PRINT)

\_\_\_\_\_  
TELEPHONE NUMBER(S)

\_\_\_\_\_  
EMAIL ADDRESS(ES)

**IF YOU WISH TO JOIN THIS LAWSUIT AND TO BE REPRESENTED BY THE PLAINTIFFS' COUNSEL, THIS FORM MUST BE RECEIVED BY MILLER, GRIFFIN & MARKS, P.S.C., 271 WEST SHORT STREET, SUITE 600, LEXINGTON, KENTUCKY 40507, NO LATER THAN \_\_\_\_\_, 2007.**