

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

FRANK GODFREY, on his own behalf
and on behalf of all others similarly
situated, ED TIPPEN, on his own behalf
and on behalf of all others similarly
situated, RON EMTER, on his own behalf
and on behalf of all others similarly
situated, BRYAN WILLIAMS, on his own
behalf and on behalf of all others similarly
situated,

Plaintiffs,

v.

CHELAN COUNTY PUBLIC UTILITY
DISTRICT,

Defendant.

CLASS ACTION

NO. 2:06-CV-00332-JLQ

**SECOND NOTICE OF
LAWSUIT AGAINST CHELAN
COUNTY PUBLIC UTILITY
DISTRICT**

**SECOND NOTICE OF LAWSUIT AGAINST CHELAN COUNTY
PUBLIC UTILITY DISTRICT**

**Please read this notice carefully because your rights may be affected by
this lawsuit.**

TO: Current and former employees of the Chelan County Public
Utility District who worked unpaid shift-turnover time on
12-hour rotating shifts.

FROM: The Scott Law Group; Tousley Brain Stephens, PLLC; and
Lukins & Annis, P.S.

DATE: December 5, 2007

RE: State Law Claims in Lawsuit Filed Against Chelan County
Public Utility District.

I. INTRODUCTION

The purpose of this Notice is to inform you that a lawsuit has been brought against the Chelan County Public Utility District (“Chelan County PUD”). This is the Second Notice that has been sent to current and former employees of Chelan County PUD who are members of the class certified by the court. The purpose of the first notice was to advise you of how your rights under the federal Fair Labor Standards Act (“FLSA”) may be affected by the lawsuit. The purpose of this Second Notice is to advise you of how your rights under Washington State law may be affected by the lawsuit.

II. DEFINITION OF THE CLASS

On August 10, 2007, the Honorable Justin L. Quackenbush, United States District Court Judge for the Eastern District of Washington, certified a class for purposes of the state-law claims which is now defined as follows (the “Class”):

All current and former employees of the Chelan County Public Utility District working 12-hour rotating shifts who worked unpaid shift-turnover time from July 18, 2003 through the date judgment is entered in this action.

Judge Quackenbush appointed named Plaintiffs Frank Godfrey, Ed Tippen, Ron Emter and Bryan Williams as Class representatives.

III. DESCRIPTION OF THE LAWSUIT

The named Plaintiffs claim Chelan County PUD owes wages to them and other Class members under Washington State law. Chelan County PUD denies Plaintiffs’ claims and denies that Plaintiffs and other employees are entitled to any damages.

Plaintiffs assert that Chelan County PUD has violated Washington State law with regard to them and other employees based on the following allegations: For years, Chelan County PUD has required employees working 12-hour shifts to arrive early for their shifts in order to complete shift turnovers. During these shift turnovers, the arriving employees get

necessary, job-related information from the departing employees, information the arriving employees need to know in order to safely and properly perform their job duties. Though shift-turnover time has been a requirement of the job, Chelan County PUD has not paid for this time. By failing to pay employees for all hours worked, Chelan County PUD has violated various Washington State laws.

Plaintiffs further allege that they and all other similarly situated employees are entitled to recover damages in the form of lost wages for unpaid shift-turnover time, as well as prejudgment interest, attorneys' fees and the costs associated with bringing this lawsuit. Plaintiffs also allege that they and all other similarly situated employees are entitled to an award of double damages on the ground that Chelan County PUD's actions were willful.

The foregoing is merely a summary of the claims of the Plaintiffs. Chelan County PUD denies the claims.

IV. YOUR RIGHTS FOR PURPOSES OF THE STATE LAW CLAIMS

For the state-law claims, unlike the FLSA claims, you are automatically a member of the Class and a participant of the lawsuit if you fall within the Class definition found in Section II. To remain a Class member, you do not need to do anything at this time. You do not need to fill out or send any forms to Class counsel. You will be bound by all orders and judgments of the Court regarding the state-law claims, whether favorable or unfavorable. You do not have to pay the attorneys representing you. You may seek the Court's permission to intervene or personally appear in the lawsuit.

If you do NOT want to be included in the Class for purposes of the state-law claims, send a letter requesting exclusion to: Chelan PUD Class Action Exclusion Request, c/o Tousley Brain Stephens PLLC, 1700 Seventh Avenue, Suite 2200, Seattle, Washington, 98101. The letter must include your name and address and must be dated and signed by you. Additionally, the letter must be postmarked no later than Friday, January 4, 2008. By excluding yourself from the Class, you will not be able to receive any money or benefits for purposes of the state-law claims, even if Plaintiffs succeed at trial or reach a settlement with Chelan County PUD. You will not be legally

bound by the Court's judgments. You may, however, attempt to bring your own lawsuit against Chelan County PUD under state law if you so choose.

V. NO RETALIATION PERMITTED

The law prohibits Chelan County PUD from discharging or in any other way discriminating against you because you have exercised your rights.

VI. YOUR LEGAL REPRESENTATION IF YOU JOIN

As a Class member, your interests will be represented by the named Plaintiffs through their attorneys, as counsel for the Class. Counsel for the Class include:

Beth E. Terrell (WA State Bar No. 26759)
Toby J. Marshall (WA State Bar No. 32726)
TOUSLEY BRAIN STEPHENS PLLC
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Robert J. Crotty (WA State Bar No. 9113)
LUKINS & ANNIS, P.S.
1600 Washington Trust Financial Center
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Telephone: (509) 455-9555
Facsimile: (509) 747-2323

VII. FURTHER INFORMATION

Further information about this Notice as well as answers to questions concerning this lawsuit may be obtained by telephoning Class counsel toll-free at 1-877-747-9016 or writing to Class counsel at 1700 Seventh Avenue, Suite 2200, Seattle, Washington, 98101. Do not contact the court. Additional information will also be posted at the following website:

www.chelanPUDclassaction.com

VIII. COURT AUTHORIZATION

The Court has given Plaintiffs and Class counsel permission to send this Notice to you. The Court has not taken a position in this case regarding the merits of the Plaintiffs' claims or of Chelan County PUD's defenses.