

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

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

**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: August 14, 2007

RE: Fair Labor Standards Act Lawsuit Filed Against Chelan County Public Utility District.

I. INTRODUCTION

The purpose of this Notice is to inform you that a collective action lawsuit has been brought against the Chelan County Public Utility District (“Chelan County PUD”), and you may be “similarly situated” to the named Plaintiffs. This Notice is intended to

advise you of how your rights may be affected by the lawsuit and to instruct you on how you can participate in the lawsuit if you wish to do so.

II. DESCRIPTION OF THE LAWSUIT

Named Plaintiffs Frank Godfrey, Ed Tippen, Ron Emtter and Bryan Williams have filed this action against Chelan County PUD on behalf of themselves and all other past and present employees who worked unpaid shift-turnover time. Plaintiffs claim Chelan County PUD owes wages to them and other similarly situated employees under the federal Fair Labor Standards Act (“FLSA”) and Washington State law.

Plaintiffs assert that Chelan County PUD has violated the FLSA and 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 the FLSA and various Washington State laws.

Plaintiffs 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.

Chelan County PUD denies Plaintiffs’ claims and denies that Plaintiffs and other employees are entitled to any damages.

III. DEFINITION OF THE CLASS

Plaintiffs seek to represent the following Class: All current and former employees of the Chelan County Public Utility District who worked unpaid shift-turnover time from July 18, 2003 through the date judgment is entered in this action

IV. YOUR RIGHT TO PARTICIPATE IN THIS SUIT FOR PURPOSES OF THE FLSA

If you are one of the employees in the above-stated Class definition, you may join this suit for purposes of the FLSA (that is, you may “opt in”) by mailing the attached “Consent to Join” form to Class counsel at the following address:

Toby J. Marshall
Email: tmarshall@tousley.com
TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
Telephone: 206.682.5600
Facsimile: 206.682.2992

If you choose to join the suit, your **“Consent to Join” form must be signed and postmarked by no later than September 7, 2007. If you fail to return the “Consent to Join” form to Class counsel by Friday, September 7, 2007, you may not be able to participate in this lawsuit with respect to those claims brought under the FLSA.**

If you return the “Consent to Join” form, your continued right to participate in this suit for purposes of the FLSA may depend upon a later decision by the Court that you and the named Plaintiffs are “similarly situated” in accordance with federal law.

V. LEGAL EFFECT OF JOINING THIS SUIT FOR PURPOSES OF THE FLSA

If you choose to join the suit for purposes of the FLSA, you will be bound by any judgment issued in the case regarding those claims, whether favorable or unfavorable. While this suit is proceeding, you may be required to respond to written questions, sit for depositions or testify in court.

The attorneys for the named Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery, the attorneys will not be paid for their time. If there is a recovery, the attorneys will receive attorneys’ fees as determined by the Court. These fees may be paid as part of any settlement obtained or money judgment entered in favor of the class of employees, may be ordered by the Court to be separately paid by Chelan County PUD, or may be paid through some combination of the two. By joining this lawsuit, you designate the named Plaintiffs as your agents to make decisions on your behalf concerning the litigation 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 the suit.

VI. NO LEGAL EFFECT IN NOT JOINING THIS SUIT FOR PURPOSES OF THE FLSA

If you choose not to join the suit for purposes of the FLSA, you will not be affected by any judgment or settlement rendered in this case on those claims, whether favorable or unfavorable to the Class. If you choose not to join in this lawsuit for purposes of the FLSA, you are free to file your own lawsuit to pursue those claims.

VII. NO RETALIATION PERMITTED

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

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 include:

Beth E. Terrell (WA State Bar No. 26759)
Toby J. Marshall (WA State Bar No. 32726)
TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
Telephone: 206.682.5600

Facsimile: 206.682.2992

Darrell W. Scott (WA State Bar No. 09113)
Matthew J. Zuchetto (WA State Bar No. 33404)
THE SCOTT LAW GROUP
926 W. Sprague Avenue, Suite 583
Spokane, Washington 99201
Telephone: (509) 455-3966

Robert J. Crotty (WA State Bar No. 9113)
LUKINS & ANNIS, P.S.
1600 Washington Trust Financial Center
717 West Sprague Avenue
Spokane, Washington 99201-0466
Telephone: (509) 455-9555

IX. YOUR RIGHTS WITH RESPECT TO THE STATE LAW CLAIMS

At a later date, Class counsel will send you a separate notice that explains your rights with respect to the claims brought under Washington State law.

X. FURTHER INFORMATION

Further information about this Notice or the deadline for filing a “Consent to Join” form as well as answers to questions concerning this lawsuit may be obtained by telephoning Class counsel at (206) 682-5600 or writing to Class counsel at 1700 Seventh Avenue, Suite 2200, Seattle, Washington, 98101. Additional information will also be posted at the following website:

www.chelanPUDclassaction.com

XI. COURT AUTHORIZATION

The Honorable Justin L. Quackenbush, Federal Court Judge for the Eastern District of Washington, has given Plaintiffs and Class counsel permission to notify you of this lawsuit. The Court has not taken a position in this case regarding the merits of the Plaintiffs’ claims or of Chelan County PUD’s defenses.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

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and on behalf of all others similarly
situated, ED TIPPEN, on his own behalf
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situated, RON EMTER, on his own behalf
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CONSENT TO JOIN

I work or have worked for Chelan County Public Utility District at
some point during the period from July 18, 2003 to the present.

I WANT TO JOIN THE LAWSUIT alleging that Chelan County PUD
has violated the Fair Labor Standards Act (“FLSA”). I understand that this
lawsuit seeks unpaid wages that may be owed to me and that by joining the

lawsuit I will become a plaintiff. By joining this lawsuit, I designate the Plaintiffs named in the complaint as my representatives, and, to the fullest extent possible under applicable laws, to make decisions on my behalf concerning my FLSA claims, the method and manner of conducting and resolving the litigation, and all other matters relating to the lawsuit. I understand I have the right to choose other counsel and to pursue my claims on my own behalf, and I choose to be represented in this matter by The Scott Law Group, Tousley Brain Stephens, PLLC, Lukins & Annis, P.S., and other attorneys with whom these attorneys may associate.

Print Name: _____

Address: _____

City, State and Zip Code: _____

Telephone Number (optional): _____

Signature: _____

Date signed: _____