

DEMETRIA L. McFADDEN v. CORRECTIONS CORPORATION OF AMERICA  
CASE NO. 2:09-CV-2273 (DISTRICT OF KANSAS)

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

*A court authorized this notice. This is not a solicitation from a lawyer.*

**If you are a current or former Assistant Shift Supervisor/Lieutenant employed by Corrections Corporation of America between March 4, 2007 and the present, please read this notice. A collective action lawsuit may affect your rights.**

**SUMMARY**

- Demetria McFadden (“Plaintiff”) filed a lawsuit against Corrections Corporation of America (“CCA”). In the lawsuit, Plaintiff alleges that CCA incorrectly classified her and other **Assistant Shift Supervisors (a/k/a “Lieutenants”)** as exempt employees and therefore failed to pay them overtime wages for hours worked in excess of forty (40) per week.
- Plaintiff is pursuing her claim on behalf of other similarly situated Assistant Shift Supervisors who may choose to participate in this lawsuit. You are receiving this notice because you may be eligible to participate in this lawsuit.
- CCA denies Plaintiff’s allegations and contends that Assistant Shift Supervisors are properly classified as exempt.
- The Court has not expressed any opinion regarding the merits of Plaintiff’s claim.

| <b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b> |  |
|--|--|
| <b>ASK TO BE INCLUDED</b>                            | If you join this lawsuit, you will be bound by any ruling, settlement or judgment in the case, whether favorable or unfavorable. While the case is proceeding, you may be required to provide information, answer written questions, appear for a deposition or otherwise participate in the case. You will give up any rights to separately sue CCA about the same legal claims in this lawsuit. <b><u>If you are eligible and you wish to be included, you must complete the Consent to Join Form at the end of this Notice.</u></b> |
| <b>DO NOTHING</b>                                    | If you do not join this lawsuit, you will not be directly affected by any ruling, judgment or settlement rendered in the case. You will retain your right to sue CCA separately about the same legal claims in this lawsuit, subject to any defenses that CCA might assert, including that your claims may be barred by the statute of limitations.  |

- If you choose to join this lawsuit, you must read, sign, and return the enclosed Consent to Join form on or before **May 3, 2010**.

### **1. Why did I get this notice?**

CCA's records show that you currently work or previously worked for CCA as a Lieutenant. This notice explains that the Court has allowed or "conditionally certified" this action as a collective action lawsuit that may affect you. You have legal rights and options that you may exercise in this case. The case is known as *McFadden, on behalf of herself and all other similarly situated v. Corrections Corporation of America*, Case No. 09-CV-2273-EFM, and is pending in the United States District Court for the District of Kansas.

### **2. What is this lawsuit about?**

This lawsuit is about whether CCA violated the law by misclassifying its Lieutenants as exempt employees and failing to pay them overtime wages for all hours worked in excess of 40 hours per week.

### **3. What is a collective action and who is involved?**

In a collective action lawsuit, one or more people ("plaintiffs") sue on behalf of other people who have similar claims. Individuals who are "similarly situated" to the plaintiff are invited to join the lawsuit as opt-in plaintiffs. In this case, Demetria McFadden is the Plaintiff. You may be eligible to join the lawsuit as an opt-in plaintiff. CCA is the Defendant. One court resolves the issues for everyone who decides to join the case.

### **4. Why is this lawsuit a Collective Action?**

The Plaintiff who filed this lawsuit alleges there is a group of similarly situated Lieutenants employed by CCA subject to the same unlawful CCA policy.

### **5. What is the position of CCA?**

CCA denies it has improperly paid any current or former Lieutenants. CCA contends that Lieutenants are properly classified as "exempt" from the overtime requirements of the law.

### **6. Has the Court decided who is right?**

The Court has not decided whether CCA or the Plaintiff is correct.

### **7. What is the Plaintiff asking for?**

The Plaintiff seeks to recover unpaid overtime wages from CCA. Plaintiff also seeks an equal amount as "liquidated damages." Plaintiff also seeks recovery of costs and attorneys' fees from CCA.

### **8. Can I join this lawsuit?**

By receiving this notice, you have been identified as potentially eligible to join this lawsuit.

**You are eligible to participate if** you worked as a traditional "Shift Lieutenant" at *any* time between March 4, 2007 and the present and worked in excess of 40 hours per week for which you did not receive overtime compensation. Both current and former employees are eligible to join. For purposes of this Notice, a "Shift Lieutenant" means an Assistant Shift Supervisor (a/k/a Lieutenant) who was assigned to the "traditional" Assistant Shift Supervisor function of assisting in the supervision of the administrative and operational security activities of a shift in a correctional facility by, among other things, overseeing correctional officers assigned to posts during that shift, participating in inmate counts and interior inmate movements conducted during that shift, and/or assisting in the supervision of inmates.

**You are not eligible to participate if** you were employed by CCA *only* in a "specialized" function such as transportation coordinator, disciplinary hearing officer, segregation supervisor, administrative

lieutenant, visitation supervisor, intake supervisor, property supervisor, receiving and discharge supervisor, security threat group supervisor, investigator, and gang relations officer.

If you were employed in both a “traditional” Assistant Shift Supervisor role during a portion of the last three years, and in a “specialized” Assistant Shift Supervisor role during another portion of the last three years, you are eligible to participate in the lawsuit for the purpose of asserting claims relating to the time period in which you were employed in the “traditional” role.

#### **9. I’m still not sure if I can join this case.**

If you are still not sure whether you are included, you may call or write to the lawyers in this case who are representing the named Plaintiff (“Plaintiff’s Counsel”), at the phone number or address listed below.

#### **10. What if I participated in the *Barnwell, et al. v. Corrections Corporation of America* action?**

If you participated in the lawsuit, *Barnwell v. Corrections Corporation of America*, Case No. 2:08-cv-02151-JWL, brought on behalf of Correctional Officers, and you have not worked at CCA as an Assistant Shift Supervisor since February 12, 2009, you potentially released your claims and would not be able to participate in this lawsuit. For more information or questions, please contact Plaintiff’s Counsel at the phone number or address listed below.

#### **11. What happens if I join this lawsuit?**

If you join this lawsuit you will become an opt-in plaintiff. You will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. You will also be bound by the terms of, and may share in, any settlement that may be reached. By joining this lawsuit, you designate the named Plaintiff as your representative and, to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Plaintiff’s counsel regarding payment of attorneys’ fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit.

If you join this lawsuit, you may be required to participate in the lawsuit. This may include, for example, providing information about your employment with CCA, answering written questions, providing relevant documents in your possession, appearing for a deposition, testifying at trial, and otherwise participating in the case.

The law prohibits retaliation against employees for exercising their rights under the FLSA. You will not be discharged or otherwise retaliated against if you choose to participate in this action.

#### **12. What happens if I do not join this lawsuit?**

If you choose not to join this lawsuit, you will not be directly affected by any ruling, judgment, or settlement rendered in this case, whether favorable or unfavorable. You will not be entitled to share any amounts recovered by Plaintiff as part of this lawsuit. You also will be free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted.

Claims under the Fair Labor Standards Act are limited to a two- or three-year statute of limitations. The failure to pursue such claims in a timely manner may result in some or all of your claims expiring as a matter of law.

**13. How do I ask the Court to include me in the case?**

Enclosed is a form called “Consent to Join.” If you choose to join this lawsuit, **you must read, sign, and promptly return the Consent to Join form.** An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, send the Consent to Join form to:

**CCA Overtime Litigation  
Stueve Siegel Hanson LLP  
460 Nichols Road, Suite 200  
Kansas City, Missouri 64112**

The signed Consent to Join form must be postmarked by **May 3, 2010.** If your signed Consent to Join form is not postmarked by **May 3, 2010,** you may be prohibited from participating in this lawsuit.

**14. Do I have a lawyer in this case?**

If you choose to join this lawsuit you will be represented by attorneys George Hanson, Virginia Crimmins, and Ashlea Schwarz of Stueve Siegel Hanson LLP, Brendan Donelon and Dan Craig of Donelon, P.C., and Jason Brown of Brown & Associates.

**15. Should I get my own lawyer?**

If you choose to opt-in to the lawsuit by promptly returning a signed Consent to Join form, you do not need to hire your own lawyer because Plaintiff’s counsel will be working on your behalf.

**16. How will the lawyers be paid?**

The named Plaintiff has entered into a contingency fee agreement with Plaintiff’s counsel, which means that if you do not win, there will be no attorneys’ fees or costs chargeable to you. Under the fee agreement, in the event there is a recovery, Plaintiff’s counsel will receive a percentage of any settlement obtained or money judgment entered in favor of the named Plaintiff and all of the opt-in plaintiffs. Alternatively, the Court may be asked to determine the amount of fees. The fees may be part of a settlement obtained or money judgment entered in favor of the plaintiffs, or may be ordered by the Court to be separately paid by CCA, or may be a combination of the two. A copy of the contingency fee agreement executed by the named Plaintiff may be obtained upon request from Plaintiff’s counsel identified below.

**17. Are there more details available?**

Yes. If you have any questions or require additional information, please contact Plaintiff’s law firm in this case via mail at Stueve Siegel Hanson LLP, 460 Nichols Road, Suite 200, Kansas City, Missouri 64112, via telephone at (866) 501-9347; or via email by contacting the paralegal on this matter, Katrina Cervantes, at [katrina@stuevesiegel.com](mailto:katrina@stuevesiegel.com).

**PLEASE DO NOT CONTACT THE COURT CLERK REGARDING THIS MATTER**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
AT KANSAS CITY**

**DEMETRIA L. McFADDEN**, on behalf )  
of herself and all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
**CORRECTIONS CORPORATION** )  
**OF AMERICA,** )  
 )  
Defendant. )

Case No.: 09-CV-2273-EFM

**CONSENT TO JOIN**

I **CONSENT TO JOIN THIS LAWSUIT** against **Corrections Corporation of America** (“CCA”) to assert claims for unpaid wages and overtime. By joining this lawsuit, I designate the named Plaintiff as my representative, and allow her to the fullest extent possible, to make decisions on my behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Plaintiff’s counsel regarding payment of attorneys’ fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. I understand I will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. I choose to be represented by Stueve Siegel Hanson LLP, Donelon, P.C., Brown & Associates, L.L.C., and other attorneys with whom they may associate.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Printed Name: «FirstName» «LastName»**



## CCA CONFIDENTIAL INFORMATION FORM

**Instructions: Please complete this information form and return it with the Consent to Join form if you choose to join the lawsuit. You may use the enclosed, postage-paid envelope (or mail to: Stueve Siegel Hanson LLP 460 Nichols Road, Suite 200, Kansas City, Missouri 64112). If you have any questions, contact Stueve Siegel Hanson toll free at (866) 501-9347. This information will be kept confidential and will not be filed with the Court.**

Printed Name: «FirstName» «LastName»

Other name you might have worked under (married/maiden): \_\_\_\_\_

PH #            Home: \_\_\_\_\_            Work: \_\_\_\_\_

Mobile: \_\_\_\_\_

Email address: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

Alternative Contact Name and Phone Number (in case we cannot reach you):

\_\_\_\_\_

Dates of employment with CCA (*approximate if not known*):

Beginning Date: \_\_\_\_\_            Ending Date: \_\_\_\_\_

