

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

**If you are or were a retail representative employed by
R.J. Reynolds Tobacco Company please read this notice.
A collective action lawsuit may affect your legal rights.**

A court authorized this notice.

- Zola Marshall, a Retail Representative in Kansas City, Missouri, has sued R.J. Reynolds Tobacco Company (“R.J. Reynolds”), claiming that R.J. Reynolds failed to pay her for all time worked, including overtime.
- The United States District Court for the Western District of Missouri has conditionally allowed the lawsuit to proceed as a collective action on behalf of retail representative employees who were employed by R.J. Reynolds at any time from January 10, 2005, to the present.
- The Court has not decided who is right and who is wrong. Your legal rights may be affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
CONSENT TO JOIN LAWSUIT	If you choose to join in this lawsuit, you will have the possibility of getting money or benefits that may come from a trial or a settlement. You will give up any rights to separately sue R.J. Reynolds about the same legal claims in this lawsuit. <u>If you wish to join in this lawsuit, you must complete the form at the end of this Notice.</u>
DECLINE TO JOIN LAWSUIT	If you do not join in this lawsuit, you will give up the possibility of getting money or benefits that may come from a trial or settlement in this case. However, you will keep any rights to sue R.J. Reynolds separately about the same legal claims in this lawsuit, but the limitations period on your claim continues to run.

- Your options are explained in this notice. To ask to be included in the lawsuit, you must act before **April 22, 2008**.
- If money or benefits are obtained from R.J. Reynolds, and you have chosen to join in this lawsuit, you will be notified about your eligibility for damages, if any.

More questions? Contact George Hanson or Matt Dameron at Stueve Siegel Hanson LLP at
1-866-714-0875 or visit www.stuevesiegel.com

This notice contains information that affects your rights. Please read it carefully.

1. Why did I get this notice?

R.J. Reynolds's records show that you currently work or previously worked for R.J. Reynolds as a retail representative. This notice explains that the Court has conditionally allowed, or conditionally "certified" a collective action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial, which may be necessary to decide whether the claims being made against R.J. Reynolds are correct. The Honorable Richard E. Dorr, a Judge in the United States District Court for the Western District of Missouri, is overseeing this collective action. The lawsuit is known as *Marshall, et al. v. R.J. Reynolds Tobacco Company*, Case No. 07-0277-CV-W-RED.

2. What is this lawsuit about?

Plaintiffs allege that R.J. Reynolds unlawfully pays retail representatives only for work that they perform between the hours of 8:00 a.m. and 5:00 p.m. According to Plaintiffs, R.J. Reynolds should compensate retail representatives for administrative work they perform from their homes, including, but not limited to:

- reading and sending e-mails,
- reviewing field communications and other work-related memos, and
- performing their daily laptop communication.

Plaintiffs also allege that R.J. Reynolds's practice of automatically deducting one hour of pay for lunch time is unlawful because many retail representatives did not take a full hour for lunch. Plaintiffs also allege that R.J. Reynolds should pay retail representatives for the time they spend traveling between their homes and the first store on their route and/or the time they spend traveling from the last store on their route to their homes. Plaintiffs allege that R.J. Reynolds's company policies caused retail representatives to perform overtime work without compensation.

R.J. Reynolds contends that it has properly paid current and former employees for all work they performed, including paying them for all overtime due, and denies that any current or former employees are entitled to any additional compensation or other relief. Accordingly, R.J. Reynolds denies that it has violated applicable law in any way.

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

In a collective action lawsuit, one or more persons sue on behalf of themselves and all others who have similar claims. All retail representative employees who decide to join in this lawsuit are a "Collective" or "Collective Members." Zola Marshall will be referred to as the "Named Plaintiff" and the Collective Members as a group will be called the Plaintiffs. R.J. Reynolds is called the Defendant. One court (in this case the United States District Court for the Western District of Missouri) will resolve the issues for all the Collective Members.

Retail representative employees who choose not to join in this lawsuit, or who simply do nothing, will not be affected by the decision in the collective action, and they will have the right to file suit against R.J. Reynolds separately if they wish.

4. Why is this lawsuit a Collective Action?

The Court decided that this lawsuit can "conditionally" be treated as a collective action because it meets the requirements of § 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b).

Specifically, the Court made a conditional finding that the Plaintiff who filed this lawsuit is “similarly situated” to other retail representatives employees employed by R.J. Reynolds.

5. What is R.J. Reynolds’s position?

R.J. Reynolds contends that it has properly paid current and former employees for all work they performed, including paying them for all overtime due, and denies that any current or former employees are entitled to any additional compensation or other relief. Accordingly, R.J. Reynolds denies that it has violated applicable law in any way.

6. What are the Plaintiffs asking for?

Plaintiffs are seeking to recover unpaid wages, including overtime, for work they contend they performed. Plaintiffs also seek “liquidated damages,” which may double the amount of overtime owed. Plaintiffs also seek recovery of costs and attorneys’ fees.

7. Has the Court decided who is right?

The Court has not decided whether R.J. Reynolds or the Plaintiffs are correct. By establishing the Collective and authorizing the Notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

8. Can I join this lawsuit?

To be eligible to join this lawsuit, you must have: (1) been employed by R.J. Reynolds as a retail representative employee at any time from January 10, 2005, to the present; and (2) worked any overtime hours (in excess of 40 per week) without compensation. Current or former retail representative employees who meet the above criteria are eligible to join.

9. I’m still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing the lawyers in this case, at the phone number or address listed below.

10. What happens if I do nothing at all?

If you do nothing you will be considered to have chosen to not join this lawsuit. In that event you will not be 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 Plaintiffs as part of this lawsuit. You will be free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted. You should be aware that FLSA claims are limited to a two or three-year statute of limitations, and delay in joining this action, or proceeding separately, may result in some or all of your claims expiring as a matter of law.

11. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also be bound by, and may share in, any settlement that may be reached on behalf of the collective. By joining this lawsuit, you designate the Named Plaintiff Zola Marshall 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 Plaintiffs’ 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. While this suit is pending, you may be required to provide information, appear for a deposition, or otherwise participate in the action.

12. 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, it is extremely important that you 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, the Consent to Join Form must be sent to:

**R.J. Reynolds Retail Representative Employee Litigation
Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112**

The signed Consent to Join form must be postmarked by **April 22, 2008**. **If your signed Consent to Join Form is not postmarked by April 22, 2008, you will not be considered eligible to join in this lawsuit.**

13. Can R.J. Reynolds retaliate against me if I join the case?

It is a violation of federal law for R.J. Reynolds to terminate your employment, or in any other manner discriminate or retaliate against you for taking part in this case or otherwise exercise your existing rights under the Fair Labor Standards Act.

14. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by George A. Hanson, Matthew L. Dameron, and other lawyers from the firm of Stueve Siegel Hanson LLP. To learn more about Stueve Siegel Hanson LLP, its practices, and the lawyers that work there, visit www.stuevesiegel.com.

15. If I join the lawsuit should I get my own lawyer?

You do not need your own lawyer because the named Plaintiffs' counsel will be working on your behalf. If you want your own lawyer, you may retain one, but you will have to pay that lawyer.

16. How will the lawyers for the Collective Members be paid?

Named Plaintiff Zola Marshall has entered into a contingency fee agreement with Plaintiffs' counsel, which means that if you do not win, there will be no attorneys' fees or expenses chargeable to you. In the event there is a recovery, Plaintiffs' counsel will receive a percentage of any settlement obtained or money judgment entered in favor of all members of the Collective. The Court may also be asked to determine the amount of fees. The fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by R.J. Reynolds, 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 Plaintiffs' counsel identified below.

17. How do I contact Plaintiffs' Counsel for more information?

If you have any questions or require additional information, please contact:

George A. Hanson, Attorney
hanson@stuevesiegel.com

Matthew L. Dameron, Attorney
dameron@stuevesiegel.com

Michele Hall, Paralegal
hall@stuevesiegel.com

Counsel's mailing address is:

Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, MO 64112

Counsel's telephone numbers are:

(866) 714-0875 (toll free) or (816) 714-7100

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

ZOLA M. MARSHALL, individually, and on
behalf of a class of others similarly situated,

Plaintiffs,

v.

R.J. REYNOLDS TOBACCO COMPANY,
a North Carolina corporation,

Defendant.

Case No. 07-0277-CV-W-RED

CONSENT TO JOIN

I WANT TO JOIN THIS LAWSUIT pending in the United States District Court for the Western District of Missouri, Case No. 07-0277-CV-W-RED. I understand that this lawsuit seeks unpaid overtime compensation that may be owed to me and that by joining this lawsuit I will become a plaintiff. By joining this lawsuit, I designate the named Plaintiff as my representative, and 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 Plaintiffs' 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 George A. Hanson and Matthew L. Dameron of Stueve Siegel Hanson LLP, and other attorneys with whom they may associate.

Date: _____

Signature _____

Name: _____

RJ REYNOLDS CLIENT CONTACT INFORMATION SHEET

**If you decide to join the lawsuit,
please return this completed form with your Consent to Join form.**

Name: _____

(Please correct your name on the line above if your name is misspelled or has changed)

Other last names you have gone by (maiden, married, etc.): _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

HOME PH: _____ **WORK PH:** _____

CELL PH: _____ **EMAIL:** _____

City and State(s) where you worked for RJ Reynolds: _____

* **Approximate Beginning Date of Employment:** _____

Approximate Ending Date of Employment: _____

* *(It is not critical that you to recall your exact dates of employment. Approximate dates are fine.)*