

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

CIVIL NO. 1:19-cv-02938-RBJ

**KRYSTAL GRAY, Individually and
On Behalf of All Others Similarly Situated,**

Plaintiff,

v.

**DELTA COUNTY MEMORIAL
HOSPITAL DISTRICT,**

Defendant.

JURY TRIAL DEMANDED

NOTICE OF COLLECTIVE ACTION LAWSUIT

TO: All current and former non-exempt patient care staff, including RNs, LVN/LPNs, CNAs, nursing aides, technicians, non-exempt therapists, and other patient care employees (except home healthcare workers), who worked for Delta County Memorial Hospital at any time during October 15, 2016 to the present, who were paid on an hourly rate basis.

RE: The right of current and former patient care staff for Delta County Memorial Hospital to join a Federal Fair Labor Standards Act (“FLSA”) lawsuit seeking alleged unpaid wages.

DEADLINE TO RETURN FORM: June 20, 2021

***** THIS IS NOT AN ADVERTISEMENT FROM A LAWYER***
PLEASE READ THIS NOTICE CAREFULLY.
THIS NOTICE COULD AFFECT YOUR LEGAL RIGHTS.**

1. INTRODUCTION

The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which the Court has conditionally determined that you are “similarly situated” to the named Plaintiff, to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for participating in this suit, should you choose to do so.

YOU HAVE NOT ASSERTED YOUR FEDERAL OVERTIME CLAIM(S) UNTIL YOU RETURN THE “OPT-IN CONSENT FORM” PROVIDED WITH THIS NOTICE TO THE CLAIMS ADMINISTRATOR LISTED BELOW.

2. DESCRIPTION OF THE LAWSUIT

This lawsuit is brought on behalf of current and former hourly, non-exempt patient care staff of Delta County Memorial Hospital (“DCMH”) who provided patient care services at DCMH during the time period of October 15, 2016 through the present. This lawsuit was filed against DCMH, on October 15, 2019 in the United States District Court for the District of Colorado.

The Plaintiff in this lawsuit alleges, among other things, that DCMH's current and former, hourly, non-exempt patient care staff failed to receive payment for all hours worked, including, without limitation: for time spent working before and after scheduled shifts, and for time spent working during unpaid meal breaks.

Plaintiff seeks to recover payment for all hours worked, including payment for unpaid overtime violations, interest thereon, and liquidated damages, reasonable attorneys' fees, and litigation costs on behalf of herself and all similarly situated workers. The Court has conditionally certified the federal claims brought in this case for the purpose of authorizing notice of this lawsuit be sent to all current and former non-exempt, hourly patient care employees who have been employed by DCMH during the time period of October 15, 2016, through the present.

DCMH denies the Plaintiff's allegations in this lawsuit and denies that this case should be litigated as a collective action. DCMH also maintains that it properly paid and pays overtime wages to the non-exempt employees at its healthcare facilities.

3. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

You may join, or "opt in" to, this lawsuit by submitting your "Opt-in Consent Form to the Claims Administrator by: (1) visiting the following website www.dcmhflsa.ilymgroup.com and submitting your completed "Opt-In Consent Form" electronically, (2) emailing your completed "Opt-In Consent Form" to claims@ilymgroup.com, or (3) mailing your completed "Opt-In Consent Form" to ILYM Group, Inc. at the following address:

DELTA COUNTY MEMORIAL FLSA LITIGATION
c/o ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781

The Consent Form **MUST** be received in sufficient time for Plaintiff's Counsel to file it with the Court on or before June 20, 2021.

You are not required to join or "opt in" to this lawsuit, but if you wish to do so, this form must be returned to the Claims Administrator in sufficient time for it to be filed with the federal court on or before June 20, 2021. If you fail to return the "Opt-In Consent Form" to the Claims Administrator in time for it to be filed with the federal court by these deadline dates, you may not be able to participate in this lawsuit.

If you file an "Opt-In Consent Form," your continued right to participate in pursuing these FLSA claims in this action may depend upon a later decision by the Court as to whether you and the named Plaintiff are actually "similarly situated" in accordance with federal law.

4. EFFECT OF JOINING THIS LAWSUIT

If you choose to join this suit, you will be bound by the judgment or settlement, whether it is favorable or unfavorable as to claims made in this action under the FLSA. If the Court or jury rules in favor of the DCMH, you will not be entitled to any relief under the FLSA if you join this action. By joining this lawsuit, you may designate the Named Plaintiff and her attorneys as your agents to make decisions on your behalf concerning the litigation. If you desire, however, you also may retain a different lawyer to represent you and have that lawyer enter an appearance in this lawsuit on your behalf, or you may choose not to retain a lawyer and represent yourself in this action within the applicable statute of limitations period.

****PLEASE NOTE****

There is a two (2) year deadline for filing overtime claims or three (3) years if the violation is determined to be willful. This deadline continues to run until you "opt-in" to this conditionally certified

Collective Action. If you wish to participate in this Collective Action, return your “Opt-in Consent Form” as soon as possible, *i.e.*, no later than **June 20, 2021**, so that your rights may be preserved.

5. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT

If you choose not to join this suit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable. If you choose not to join in this lawsuit, you are free to file your own lawsuit.

6. NO OPINION EXPRESSED AS TO THE MERITS OF THE CASE

This Notice is for the sole purpose of determining the identity of those persons who wish to join and participate in this lawsuit. Although the United States District Court for the District of Colorado has authorized the sending of this Notice, the Court expresses no opinion regarding the merits of Plaintiff’s claims or DCMH’s defenses.

7. NO RETALIATION PERMITTED

Many employees fear being retaliated against, either through reduced hours, unfavorable work schedules, or termination, for making a wage claim. However, federal law prohibits DCMH from discharging or in any other manner discriminating or retaliating against you because you have exercised your rights under the FLSA to join, or not to join, this action. If you suspect any retaliation or discrimination, call the attorneys below at (415) 421-7100 immediately and ask to speak to one of the attorneys named below.

8. LEGAL COUNSEL

The Attorneys representing Plaintiff, and the patient care workers who join this case, are as follows. You can get more information by calling or emailing Plaintiff’s attorneys:

Carolyn H. Cottrell
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William M. Hogg
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9. WHERE CAN I GET MORE INFORMATION?

If you have questions about this Notice, or if you did not receive this Notice and you believe that you are or may be one of the workers affected, you should contact Plaintiff’s Counsel.

This Notice is only a summary. For more detailed information, you may review the Lawsuit and other documents for this case at the Notice website, which can be accessed at www.dcmhflsa.ilymgroup.com.

PLEASE DO NOT CONTACT THE COURT, THE CLERK OF THE COURT, OR THE JUDGE FOR INFORMATION ABOUT THE LAWSUIT. THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE COURT, BUT THE COURT HAS MADE NO DECISION IN THIS CASE ABOUT THE MERITS OF PLAINTIFF’S CLAIMS OR DCMH’S DEFENSES.