

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PAULA CRANE and )  
LINDA BREWSTER, On Behalf of )  
Themselves and All Others )  
Similarly Situated, )

Plaintiffs, )

v. )

RESIDENTIAL CRF, INC. and )  
CRF FIRST CHOICE, INC., )

Defendants. )

CAUSE NO. 1:05-cv-1883-JDT-TAB  
**CLASS ACTION**

**NOTICE OF LAWSUIT UNDER FAIR LABOR STANDARDS ACT  
AND UNPAID WAGES UNDER INDIANA LAW**

To: All individuals employed in Indiana by Residential CRF, Inc. or CRF First Choice, Inc. as Direct Care Staff, either Levels I and/or II, who worked a 24/7 shift any time from December 20, 2002 until the present, excluding those individuals who only worked at facilities in Fort Wayne, Indiana.

Re: Unpaid Overtime and Wages Lawsuit Against Residential CRF, Inc. and CRF First Choice, Inc.

**I. INTRODUCTION**

The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which you may be similarly situated to the named Plaintiffs, to advise you of your right to join this lawsuit, and to instruct you on the procedure for participating in this lawsuit.

**II. DESCRIPTION OF THE LAWSUIT**

Plaintiffs claim that they and similarly situated employees, current or former Direct Care Staff, are entitled to recover twice the amount of their actual lost overtime wages and reasonable attorney fees and costs for unpaid overtime pay for any pay periods in which they worked a 24/7 shift between December 20, 2002 until the present, because they claim the actions of Residential CRF, Inc. and/or CRF First Choice, Inc. were willfully non-compliant with the Fair Labor

Standards Act (“FLSA”). Plaintiffs also raise wage-related claims under Indiana statutory and common law. Residential CRF, Inc. and/or CRF First Choice, Inc. dispute Plaintiffs’ claims. Residential CRF, Inc. and/or CRF First Choice, Inc. assert that Plaintiffs and all similarly situated employees were properly paid for all compensable hours worked, including overtime. Defendants deny that Plaintiffs and all similarly situated employees were entitled to payment of overtime and maintain that they were exempt from the overtime requirements. Defendants also deny that Plaintiffs and all similarly situated employees are entitled to payment of any unpaid overtime or wages, attorneys’ fees or costs associated with this lawsuit. The Court ordered dissemination of notice of this lawsuit on January 18, 2007.

### **III. WHO MAY JOIN THE LAWSUIT?**

The named Plaintiffs seek to sue on behalf of themselves and also on behalf of other employees who are similarly situated with respect to the case. Specifically, Plaintiffs seek to sue on behalf of:

**All individuals employed in Indiana by Residential CRF, Inc. or CRF First Choice, Inc. as Direct Care Staff, either Levels I and/or II, who worked a 24/7 shift any time from December 20, 2002 until the present, excluding those individuals who only worked at facilities in Fort Wayne, Indiana.**

This includes Direct Care staff who did not regularly work a 24/7 shift, but did fill in or otherwise work at least one 24/7 shift from December 20, 2002 until the present.

### **IV. YOUR RIGHT TO PARTICIPATE IN THIS SUIT**

**If you were employed by Residential CRF, Inc. and/or CRF First Choice, Inc. at any time between December 20, 2002 and the present, and worked at least one 24/7 shift during that time period, you may join this suit by filling out, signing and mailing, faxing or e-mailing the attached “Notice of Consent to Become a Party Plaintiff” form to Plaintiffs’ counsel at the following address:**

THE DEBROTA LAW FIRM LLC  
3600 Woodview Trace, Suite 309  
Indianapolis, Indiana 46268

(888) 273-1326 Fax  
E-Mail: [crf@debrotalaw.com](mailto:crf@debrotalaw.com)

The Consent Form **must be delivered no later than** [insert 60 days from mailing], **2007**. If you fail to return the Consent Form to Plaintiffs' counsel by that date, you may not be able to recover unpaid overtime under the FLSA in this action. That means you bear the risk of any non-delivery or delay in delivery of the Consent Form. The Consent Form is also available at class counsel's website: [www.debrotalaw.com](http://www.debrotalaw.com).

If you file a Consent Form, your continued right to participate in this suit may depend upon a later decision by the District Court that you and others are actually similarly situated in accordance with the FLSA.

#### **V. EFFECT OF JOINING THE SUIT**

If you choose to join in the suit, you will be bound by the final decision in the case, whether it is favorable or unfavorable. While this suit is proceeding, you may be required to respond to requests for information or documents, provide testimony through a deposition or at trial, or other similar tasks.

The attorney for the Plaintiff class may be entitled to receive the payment of attorney fees and costs from the Defendant in this lawsuit should there be a settlement, judgment or other recovery in Plaintiffs' favor. If there is no recovery or judgment in Plaintiffs' favor, you will not be responsible for any attorney fees. If there is a recovery, the attorney for the class will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. The parties may also negotiate a separate payment for attorney fees and costs.

By joining the lawsuit, you designate the class representative as your agent to make decisions on your behalf concerning the litigation and the method and manner of conducting this litigation. These decisions and agreements made and entered into by the class representative will be binding on you. If you desire, you may also retain a lawyer of your choice and have that lawyer enter an appearance in this case, at your own cost.

## **VI. LEGAL EFFECT OF NOT JOINING THIS SUIT**

If you choose not to join this lawsuit, you will not receive any compensation as a result of this lawsuit and you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable. If you choose not to join this lawsuit, you are free to file your own lawsuit, at your own cost.

## **VII. NO RETALIATION AGAINST YOU IS PERMITTED**

Federal law prohibits Residential CRF, Inc. or CRF First Choice, Inc. from discharging you from employment or taking any other adverse employment action against you because you have exercised your legal right to join this lawsuit or because you have otherwise exercised your statutory rights under the FLSA.

## **VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join in this lawsuit by returning the “Notice of Consent To Become A Party Plaintiff in FLSA Collective Action” form by **[insert date 60 days after mailing], 2007**, counsel for the class is:

Amy Ficklin DeBrotta  
THE DEBROTA LAW FIRM LLC  
3600 Woodview Trace, Suite 309  
Indianapolis, Indiana 46268  
(317) 848-5555  
(888) 273-1326 Fax  
E-Mail: [crf@debrotalaw.com](mailto:crf@debrotalaw.com)  
Website: [www.debrotalaw.com](http://www.debrotalaw.com)

However, if you desire, you may also retain a lawyer of your own choice and have that lawyer enter an appearance in this case, at your own cost.

## **IX. INSPECTION OF PAPERS AND QUESTIONS**

Should you wish to inspect or examine the papers and court documents that have been filed thus far, you may do so in person at the Clerk’s Office of the Federal District Court for the Southern District of Indiana, Indianapolis Division, 46 East Ohio Street, Room 105, Indianapolis, Indiana. The filings are also available for a fee at <https://pacer.psc.uscourts.gov>.

Further information about this Notice, the Complaint, the deadline for filing a Consent Form or other questions about this lawsuit may be obtained by writing, e-mailing, or telephoning Plaintiff's counsel at the number and address stated above, or by visiting [www.debrotalaw.com](http://www.debrotalaw.com).

**This Notice and its Contents Have Been Authorized by the United States District Court for the Southern District of Indiana. The Court Has Taken No Position in this Case Regarding the Merits of Plaintiffs' Claims or of Defendant's Defenses. Other than to Review the Court File or this Case, Please Do Not Contact the Court or the Clerk of the Court Directly.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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LINDA BREWSTER, On Behalf of )  
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**CLASS ACTION**

**NOTICE OF CONSENT TO BECOME A PARTY PLAINTIFF  
IN FLSA COLLECTIVE ACTION**

By my signature below: (1) I represent to the Court that I am an individual currently or formerly employed in Indiana by Residential CRF, Inc. or CRF First Choice, Inc. as Direct Care Staff, either Levels I and/or II, who worked at least one 24/7 shift any time from December 20, 2002 until the present, and I did not only work at facilities in Fort Wayne, Indiana, and (2) I hereby authorize the prosecution of this action under the Fair Labor Standards Act and Indiana law in my name and on my behalf by the above representative Plaintiffs and designate the class representatives and Plaintiffs' counsel as my agents to make decisions on my behalf concerning this litigation, the method and manner of conducting this litigation, and all other matters pertaining to this lawsuit. I hereby specifically authorize the named, representative Plaintiff(s) as my agent(s) to prosecute this lawsuit on my behalf, to make any and all decisions with respect to the conduct of this litigation, to enter an agreement with counsel for Plaintiffs with respect to costs and attorneys' fees, to file a proof of claim on my behalf if either Defendant files for

bankruptcy protection, to negotiate and/or settle any and all wage and hour claims I may have against Residential CRF, Inc. and/or CRF First Choice, Inc and to take any other action necessary to present, preserve or resolve my wage claims against Residential CRF, Inc. or CRF First Choice, Inc.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

(\_\_\_\_) \_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-mail Address

**Please immediately notify The DeBrotta Law Firm LLC if any of your contact information changes.**

Please provide the following information:

1. List your dates of employment by Residential CRF, Inc. and/or CRF First Choice, Inc. (you may approximate, if necessary) and whether you are currently employed by either company: \_\_\_\_\_

2. List your rate(s) of pay (you may approximate, if necessary): \_\_\_\_\_

3. List the location(s) where you work/worked for Residential CRF, Inc. and/or CRF First Choice, Inc.: \_\_\_\_\_

I HEREBY CERTIFY UNDER THE PENALTY FOR PERJURY THAT THE FOREGOING INFORMATION IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

**Send To:**

Amy Ficklin DeBrotta  
THE DEBROTA LAW FIRM LLC  
3600 Woodview Trace, Suite 309  
Indianapolis, Indiana 46268  
(317) 848-5555  
(888) 273-1326 Fax  
E-Mail: [crf@debrotalaw.com](mailto:crf@debrotalaw.com)  
Website: [www.debrotalaw.com](http://www.debrotalaw.com)

To be effective, this notice must be received by The DeBrotta Law Firm LLC by U.S. Mail, fax or e-mail no later than [insert 60 days from mailing] , **2007**.