

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

---

THELMA CHISM and NATHAN WILLIAMS,  
on behalf of themselves and all other similarly  
situated employees,

Plaintiffs,

v.

Case No. 3:09-cv-00225-JMM

LIFE STRATEGIES OF ARKANSAS, LLC,

Defendant.

---

**CONSENT ORDER CONDITIONALLY  
CERTIFYING CASE AS FLSA COLLECTIVE ACTION**

---

BY AGREEMENT AND CONSENT of the parties, the Court hereby finds and orders:

1. This case, brought under the Fair Labor Standards Act (FLSA), is conditionally certified as a collective action under 29 U.S.C. § 216(b).

2. Defendant Life Strategies of Arkansas, LLC ("LSA") will provide Plaintiffs' counsel, within ten (10) days of the entry of this Consent Order, a list of names, last known addresses and telephone numbers (home and cellular) for all LSA employees who:

(a) were employed by LSA as a case manager at any time from December 15, 2006, through the date of entry of this Consent Order; and,

(b) were compensated, in whole or in part, based on the number of units of service they billed and collected.

3. The attached agreed upon notice of collective action (Exhibit A) and opt-in plaintiff consent form (Exhibit B) are approved as the forms that will be sent to all potential members of the collective action.

4. Plaintiffs will mail the court approved notice on April 2, 2010, and the opt-in period will run until June 16, 2010.

5. Plaintiffs will be permitted to send one (1) reminder letter twenty (20) days before the expiration of the opt-in period.

IT IS SO ORDERED.

  
HON. JAMES M. MOODY  
U.S. DISTRICT COURT JUDGE

Date: 3/17/10

**APPROVED:**

/s/ Tom Donaldson  
Tom Donaldson – AR Bar # 93128  
DONALDSON LAW FIRM  
117 E. Military Road  
P.O. Box 949  
Marion, AR 72364  
Telephone: 870/739-2588  
Fax: 870/739-4403  
Email: [tom@donaldsonlawfirm.com](mailto:tom@donaldsonlawfirm.com)

&

/s/ William B. Ryan  
William B. Ryan - TN Bar # 020269  
DONATI LAW FIRM, LLP

1545 Union Avenue  
Memphis, TN 38104  
Telephone: 901/278-1004  
Fax: 901/278-3111  
Email: [billy@donatilawfirm.com](mailto:billy@donatilawfirm.com)

**Attorneys for Plaintiffs**

/s/ Benjamin D. Brenner

/s/ Bonnie J. Johnson

Benjamin D. Brenner – AR Bar # 2004172

Bonnie J. Johnson – AR Bar # 2005165

WILLIAMS & ANDERSON, PLC

111 Center Street, 22nd Floor

Little Rock, AR 72201

Telephone: 501/372-0800

Fax: 501/372-6453

Email: [bbrenner@williamsanderson.com](mailto:bbrenner@williamsanderson.com)

[bjohnson@williamsanderson.com](mailto:bjohnson@williamsanderson.com)

**Attorneys for Defendant**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

---

THELMA CHISM and NATHAN WILLIAMS,  
on behalf of themselves and all other similarly  
situated employees,

Plaintiffs,

v.

Case No. 3:09-cv-00225-JMM

LIFE STRATEGIES OF ARKANSAS, LLC,

Defendant.

---

**NOTICE OF COLLECTIVE ACTION**

**THIS IS NOT NOTICE OF A LAWSUIT AGAINST YOU. PLEASE READ THIS  
NOTICE CAREFULLY. YOUR LEGAL RIGHTS MAY BE AFFECTED.**

---

**TO: All persons who were employed by Life Strategies of Arkansas, LLC  
("LSA") as a "case manager" from December 15, 2006, to the present and  
who received compensation based on the units of service billed and collected.**

**RE: Overtime Lawsuit Filed Against Life Strategies of Arkansas, LLC**

**INTRODUCTION**

The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which you are potentially "similarly-situated" to the above-named Plaintiffs, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit should you choose to do so.

As described more fully below, if you are eligible and wish to participate in this collective action, you must timely complete and return the Plaintiff Consent Form attached to this Notice by not later than **June 16, 2010**.

**DESCRIPTION OF THE LAWSUIT**

On December 15, 2009, the named Plaintiffs brought this lawsuit against LSA on behalf of themselves and other similarly-situated employees who worked as case managers during the past three years. Specifically, this lawsuit alleges that these

**EXHIBIT A**

individuals regularly worked in excess of forty (40) hours per work week, were not paid overtime, and are owed overtime pay under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*, for work they performed in excess of 40 hours per work week. The lawsuit also alleges that LSA failed to keep records, such as time sheets, as required by the FLSA.

LSA denies and contests the Plaintiffs' claims, denies any wrongdoing or liability, and alleges that it has complied with the law and that Plaintiffs and all other similarly-situated case managers are not owed overtime pay or any other damages under the FLSA.

### **THE CURRENT STATE OF THIS LAWSUIT**

This lawsuit is in the early stages of litigation. The Plaintiffs and LSA have agreed and stipulated to conditional certification as a collective action and that this Notice be sent to you to provide information about the case and to give you an opportunity to join the case by submitting a Plaintiff Consent Form.

### **PERSONS ELIGIBLE TO RECEIVE THIS NOTICE**

The U.S. District Court has ordered this Notice to be distributed to all current and former employees of LSA who:

- (a) were employed by LSA as a case manager at any time from December 15, 2006, to the present; and,
- (b) were compensated, in whole or in part, based on the number of units of service they billed and collected.

If you fit the definition above, you may have a right to participate in this lawsuit.

### **YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT**

If you want to participate in this lawsuit you must take affirmative steps to indicate your intent to join the action. You must complete, sign and fax, email, or mail a copy of the Plaintiff Consent Form attached to this Notice to Plaintiffs' Counsel for filing with the Court:

Mail: DONATI LAW FIRM, LLP  
Attn.: William B. Ryan  
1545 Union Avenue  
Memphis, TN 38104

Fax: 901/278-3111

Email: [billy@donatilawfirm.com](mailto:billy@donatilawfirm.com)

The Plaintiff Consent Form must be postmarked or successfully faxed or emailed on or before **June 16, 2010** for you to participate in this lawsuit.

If your Plaintiff Consent Form is not postmarked or successfully faxed or emailed by **June 16, 2010**, you will not be allowed to participate in this lawsuit. Having a Plaintiff Consent Form filed does not guarantee that you will be able to participate in the trial of this lawsuit, because individual participation may depend upon a final ruling from the district court that you and the named Plaintiffs are “similarly-situated” under federal law. However, if you fail to return and have filed a Plaintiff Consent Form on or before the deadline, you cannot participate in any settlement or judgment for damages under the FLSA as part of this lawsuit.

### **EFFECT OF JOINING OR NOT JOINING THIS LAWSUIT**

If you choose to join this lawsuit and return and file a Plaintiff Consent Form, and the District Court later permits your claims to proceed as part of the collective action, you will be bound by any ruling, judgment or settlement regarding the FLSA claims in this lawsuit, whether favorable or unfavorable to Plaintiffs. If you choose to join this lawsuit, you may be required to participate in discovery, including but not limited to a deposition.

If you return a Plaintiff Consent Form, you should be aware that important decisions concerning the prosecution of this case may be made on your behalf.

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment, or settlement entered in this case, favorable or unfavorable. If you choose not to join this lawsuit, you are free to take action on your own or do nothing at all.

If you file a Plaintiff Consent Form, your continued right to participate in this lawsuit may depend upon a later decision by the Court that you and the above-named Plaintiffs are actually “similarly-situated” in accordance with applicable laws and that it is appropriate for this case to proceed as a collective action lawsuit.

### **STATUTE OF LIMITATIONS**

The FLSA has a maximum statute of limitations of two or potentially three years for the filing of a claim for unpaid overtime wages. If you choose to join this lawsuit, you may be able to recover damages if you were improperly denied overtime compensation for overtime hours worked within two, and in some cases, three, years prior to December 15, 2009. If you choose not to join in this lawsuit the statute of limitations will continue to run until such time as you file a lawsuit on your own behalf and some or all of your potential claims may later be barred by the applicable statute of limitations.

**NO RETALIATION PERMITTED**

The law prohibits LSA from retaliating against you for exercising your rights under the FLSA. Therefore, LSA is prohibited from discharging you or retaliating against you in any other manner because you choose to participate in this lawsuit.

**NO OPINION EXPRESSED AS TO THE MERITS OF THE CASE**

This Notice is for the sole purpose of determining the identity of those persons eligible and who wish to be involved in this lawsuit. This Notice and its contents have been authorized by the United States District Court for the Eastern District of Arkansas. The Court has expressed no opinion and taken no position regarding the merits of the Plaintiffs' claims or of LSA's defenses. There is no assurance that any relief will be granted, and, if relief is granted, of the nature and amount of the relief.

**YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to participate in this lawsuit by returning and filing the attached Plaintiff Consent Form your interests will be represented by Plaintiffs' Counsel:

William B. Ryan TN Bar # 20269  
DONATI LAW FIRM, LLP  
1545 Union Avenue  
Memphis, TN 38104  
Telephone: 901/278-1004  
Toll-Free Telephone: 800/521-0578 (no faxes to this number)  
Fax: 901/278-3111  
Email: billy@donatilawfirm.com

Thomas F. Donaldson, Jr., AR Bar # 93128  
DONALDSON LAW FIRM, PLC  
117 E. Military Road  
P.O. Box 949  
Marion, AR 72364  
Telephone: 870/739-2588  
Fax: 870/739-4403  
Email: tom@donaldsonlawfirm.com

The specific terms and conditions of this representation will be contained in a fee agreement separately entered into by Plaintiffs' Counsel and you if you decide to participate in this case.

**FURTHER INFORMATION**

For further information about this lawsuit, including any part of this Notice, please contact Plaintiffs' counsel.

**PLEASE DO NOT CONTACT THE COURT OR ANY COURT  
PERSONNEL FOR INFORMATION.**

---

William B. Ryan TN Bar # 20269  
DONATI LAW FIRM, LLP  
1545 Union Avenue  
Memphis, TN 38104  
Telephone: 901/278-1004  
Toll-Free Telephone: 800/521-0578  
Fax: 901/278-3111  
Email: [billy@donatilawfirm.com](mailto:billy@donatilawfirm.com)

---

Thomas F. Donaldson, Jr., AR Bar # 93128  
DONALDSON LAW FIRM, PLC  
117 E. Military Road  
P.O. Box 949  
Marion, AR 72364  
Telephone: 870/739-2588  
Fax: 870/739-4403  
Email: [tom@donaldsonlawfirm.com](mailto:tom@donaldsonlawfirm.com)

ATTORNEYS FOR PLAINTIFFS

**FLSA ACTION AGAINST  
LIFE STRATEGIES OF ARKANSAS, LLC**

**PLAINTIFF CONSENT FORM**

---

I hereby consent to join the action against Life Strategies of Arkansas, LLC as a plaintiff to assert claims for overtime pay and recording keeping violations. If this case does not proceed collectively, I also consent to file and/or join any subsequent action to assert claims against Life Strategies of Arkansas, LLC for overtime pay and recording keeping violations. During the past three years, there were occasions when I worked over 40 hours per week as a claims manager and did not receive overtime compensation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address (with apartment number if applicable)

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

\_\_\_\_\_  
Home Telephone

\_\_\_\_\_  
Mobile Telephone

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Social Security Number (last 4 digits)

\_\_\_\_\_  
Emergency Contact (and phone number)

Mail To:

DONATI LAW FIRM, LLP  
Attn.: William B. Ryan  
1545 Union Avenue  
Memphis, TN 38104

Fax To:

(901)278-3111

E-Mail To:

billy@donatilawfirm.com

**EXHIBIT B**