

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**JERRY FRANCE, on behalf of himself and on behalf of
all others similarly situated**

PLAINTIFF

vs.

Case No. 4:10-CV-00706-SWW

POROCEL INDUSTRIES, LLC

DEFENDANT

NOTICE

This notice concerns two different matters involving your current or former employer Porocel, and your possible involvement in either or both of those matters. The first matter is an Arkansas Department of Labor (AR DOL) investigation. The second matter is a federal lawsuit titled *Jerry France v. Porocel Industries, LLC*. The purpose of this notice is to clear up any confusion that may have been created by a notice you may have received in connection with the AR DOL matter.

The AR DOL matter and the France Action are two different and separate matters. While some of the claims in the two matters may (or may not) overlap, the fact that you accepted a check or signed a release in the AR DOL matter does not mean that you cannot participate in the France Action if you choose to do so.

Background of the France Action

On June 17, 2010, a lawsuit was filed in Little Rock, Arkansas, by Jerry France on behalf of himself and all other similarly situated Porocel Employees. While there are several issues involved in that lawsuit, one is the question of whether, under federal and/or state law, Porocel ought to have paid employees for the time it takes them to put on and to take off uniforms and equipment at work at the beginning and end of their work shifts. This kind of lawsuit is sometimes referred to as a “donning and doffing” case, and you may have heard about the case in that manner.

This case was filed in the United States District Court for the Eastern District of Arkansas, in the Little Rock Division. This case is before Judge Susan Webber Wright. The name of this case is *Jerry France v. Porocel Industries, LLC*, Case No. 4:10-CV-00706 SWW. This notice will refer to this case as the “France Action.”

Background of the Arkansas Department of Labor Matter

In approximately October 2009, before the France Action was filed, the AR DOL and Porocel began discussions concerning a complaint to the AR DOL that Porocel was requiring some employees to arrive at their workstation fifteen minutes early without paying them for such time (for ease, this matter will be referred to as the “AR DOL matter”). At about the same time that the France Action was filed in federal court, the AR DOL and Porocel came to an agreement by which they settled the AR DOL matter. You may have already received a packet of information concerning the AR DOL matter. Included in that packet were a release drafted by the AR DOL and a check from Porocel.

You may receive additional notices later from the Court as the France Action progresses. But, again, the AR DOL matter and the France Action are different and separate matters. **While some of the claims in the two matters may (or may not) overlap, the fact that you accepted a check or signed a release in the AR DOL matter does not mean that you cannot participate in the France Action if you choose to do so.**

In addition to this Notice, Porocel has decided to voluntarily adopt the attached change to its uniform policy.

Dated this 21st day of December, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE