

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

**CAROLYN CAMPBELL; AMANDA  
HODGES; CRYSTAL WALTERS;  
HEATHER CROW; and TABITHA RILEY,  
all individually and on behalf of others  
similarly situated**

**PLAINTIFFS**

v. **No. 4:12-cv-176-DPM**

**NORTHWEST HEALTH & REHAB,  
INC. d/b/a North Hills Life Care &  
Rehab; OCNC, INC. d/b/a Silver Oaks  
Heath & Rehabilitation; SCNC, INC.  
d/b/a Spring Creek Health & Rehab;  
and JBNC, INC. d/b/a Ridgecrest Health  
and Rehabilitation**

**DEFENDANTS**

**ORDER**

Joint report, *No 196*, noted and appreciated. Proposed notice and consent approved with the attached edits.

So Ordered.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

19 March 2014

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

**CAROLYN CAMPBELL AND  
INDIVIDUALLY & ON BEHALF OF OTHERS  
SIMILARLY SITUATED**

**PLAINTIFF**

**v. Case No. 4:12-cv-00176-DPM**

**NORTHWEST HEALTH AND REHAB, INC., d/b/a  
NORTH HILLS LIFE CARE AND REHAB**

**DEFENDANT**

**NOTICE**

**FROM: John T. Holleman  
HOLLEMAN & ASSOCIATES, P.A.  
1008 W. 2<sup>nd</sup> Street  
Little Rock, AR 72201**

**&**

**William B. Ryan (TN 20269)  
Bryce W. Ashby (TN 26179)  
DONATI LAW, PLLC  
1545 Union Avenue  
Memphis, Tennessee 38104  
Attorneys for Plaintiffs**

**TO: Present and former Licensed Practical Nurses (“LPNs”) of Northwest Health and Rehab, Inc. d/b/a North Hills Life Care and Rehab (“North Hills”) employed on or after October 1, 2011 through and including August 5, 2012 and present and former Medical Records employees of North Hills employed on or after February 13, 2011 through and including August 5, 2012, who were paid on an hourly basis and subject to an automatic meal deduction of 30 minutes.**

**RE: Fair Labor Standards Act lawsuit against North Hills**

**(1) INTRODUCTION: The purpose of this notice is to inform you of a pending collective action lawsuit in which you may be a member as a 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.**

**(2) DESCRIPTION OF THE LAWSUIT: Plaintiff Carolyn Campbell is a former LPN and Director of Medical Records at North Hills. Plaintiff filed this lawsuit alleging that Defendant automatically deducted 30 minutes per day from her recorded work time for lunch**

breaks, even when she was required to work through lunch.

Defendant denies Plaintiff's claims and allegations. Defendant asserts that they complied with the law, and properly compensated all of their employees for all time worked.

The case is set for trial on January 20, 2015, at the federal courthouse in Little Rock, Arkansas. The Court has not ruled on or decided any of these issues, including the merits of Plaintiff's claims or Defendant's defenses.

(3) COMPOSITION OF THE CLASS: Plaintiff seeks to sue on behalf of herself and on behalf of other present and former LPNs of North Hills who were paid on an hourly basis and subject to an automatic meal deduction of 30 minutes on or after October 1, 2011 through and including August 5, 2012 and present and former Medical Records employees who were paid on an hourly basis and subject to an automatic meal deduction of 30 minutes on or after February 13, 2011 through and including August 5, 2012.

(4) YOUR RIGHT TO PARTICIPATE IN THIS SUIT: If you fit the definition above, you may join in the FLSA claim raised in this suit (that is, you may opt-in) provided that you file or cause to be filed the attached Consent to Join Collective Action **on or before May 16, 2014**. Therefore, you may join in the FLSA claim raised in this lawsuit by completing and mailing a signed copy of the enclosed Consent to Join Collective Action to Plaintiff's lawyers at the following address:

John T. Holleman, Holleman & Associates, P.A., 1008 West Second Street, Little Rock, Arkansas 72201, (501) 975-5040 (or Toll Free at: (855) 825-5916), [jholleman@johnholleman.net](mailto:jholleman@johnholleman.net).

If you file a Consent to Join Collective Action, your continued right to participate in the suit may depend upon a later decision by the Court that you are an appropriate participant in accordance with federal law.

(5) EFFECT OF JOINING THIS SUIT: If you choose to join this suit, you will be bound by any ruling, settlement, or judgment whether it is favorable or unfavorable. While the suit is proceeding you may be required to provide information, documents, sit for depositions, and testify in court. You will not be required to pay attorneys' fees directly. If there is a recovery, Plaintiff's attorneys will receive a part of any settlement obtained or money judgment entered in favor of all members of the class, and the Court will approve the amount of attorneys' fees.

It is important to understand that you are not entitled to recovery just because you were employed as an LPN ~~and~~ or in Medical Records by North Hills in the time periods detailed in Section 3 and subject to a 30-minute automatic meal break deduction. The Court will make a final decision about whether you are entitled to recover, and the time period, if any, for which you are entitled to recover. The Court has not made those decisions as of yet.

(6) EFFECT OF NOT JOINING THIS SUIT: If you choose not to join this suit, you will not be affected by any ruling, settlement, or the judgment, favorable or unfavorable. If you

choose not to join this suit, you are free to file your own lawsuit. If you choose not to join this action, or choose to bring your own action, your potential claims will be subject to the statute of limitations (deadlines) applicable to any claims you may have against Defendant within the scope of the suit. Accordingly, if you desire to file your own lawsuit, you should contact an attorney to preserve whatever rights you may have.

(7) CLASS COUNSEL: If you choose to join this suit by submitting the enclosed Consent to Join Collective Action form, the named Plaintiff through her attorneys will represent your interests. The Plaintiff's attorneys and the attorneys for the class are:

John T. Holleman	William B. Ryan (TN 20269)
Holleman & Associates, P.A.	Bryce W. Ashby (TN 26179)
1008 W. 2nd St	DONATI LAW, PLLC
Little Rock, AR 72201	1545 Union Avenue
Telephone: (501) 975-5040	Memphis, Tennessee 38104
Toll Free: (855) 825-5916	
Facsimile: (501) 975-5043	
jholleman@johnholleman.net	

You also have a right to hire your own attorney and take action individually. If you sign the Consent to Join, you agree that the above named attorneys for the class will represent you in this case.

(8) FURTHER INFORMATION: Further information about this suit, your rights to join in this action, information about filing a Consent to Join, and additional Consent to Join forms can be obtained by contacting John Holleman at (501) 975-5040 (toll free: 855-825-5916).

(9) RETALIATION PROHIBITED: The law prohibits anyone from discriminating or retaliating against you for taking part in this case. If you believe you have been discriminated or retaliated against in any way as a result of your receipt of this notice or election to participate in this lawsuit, you should contact the Clerk of the Court, or your attorney immediately.

THE COURT HAS MADE NO DECISION REGARDING  
THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES

**CAROLYN CAMPBELL INDIVIDUALLY &  
ON BEHALF OF OTHERS  
SIMILARLY SITUATED**

**PLAINTIFF**

v.

**Case No. 4:12-cv-00176-DPM**

**NORTHWEST HEALTH AND REHAB, INC., d/b/a  
NORTH HILLS LIFE CARE AND REHAB**

**DEFENDANT**

**CONSENT TO JOIN COLLECTIVE ACTION**

I was employed by Northwest Health and Rehab, Inc. d/b/a North Hills Life Care and Rehab ("North Hills") as a Licensed Practical Nurse on or after October 1, 2011 through and including August 5, 2012 ~~and~~ <sup>or</sup> as a Medical Records employee on or after February 13, 2011 through and including August 5, 2012, and I was paid on an hourly basis and subject to a 30-minute automatic meal break deduction. I understand that this suit is being brought under the Fair Labor Standards Act (FLSA) for unpaid overtime compensation for missed or interrupted meal breaks when there was an automatic meal deduction at North Hills, as described in more detail in the Notice. I have read and I understand the Notice accompanying this Consent. As a current or former employee of North Hills, I consent to becoming a party Plaintiff to this lawsuit, to be represented by Holleman & Associates, P.A. and Donati Law, PLLC and to be bound by any settlement of this action or adjudication of the Court. ✓

I declare under the penalty of perjury that the foregoing is true and correct.

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Email