

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

CHARLOTTE FARRAR, individually and on behalf of those similarly situated,)	
)	
)	
Plaintiff,)	
)	
vs.)	Cause No. 3:17-cv-79-WTL-MPB
)	
APEX BEHAVIORAL SERVICES, LLP,)	
)	
Defendant.)	

ENTRY REGARDING PROPOSED NOTICE

The Court previously denied the parties’ Agreed Motion for Approval and to Facilitate Notice to Collective Plaintiffs Pursuant to 29 U.S.C. § 216(b) without prejudice and directed the parties to refile the motion with certain changes consistent with its Entry. *See* Dkt. No. 33. The parties have attempted to do so but, the Court assumes inadvertently, they failed to incorporate some of the changes requested by the Court. Accordingly, **the Court takes the amended motion for approval, Dkt. No. 36, under advisement** pending the filing of an amended proposed class notice. That notice should delete the following sentence at the end of page 3: “This Notice is being sent to you because it is believed that you may be affected by the litigation and outcome of the case.” As noted in the Court’s earlier Entry, that sentence improperly suggests that persons who do not opt-in might nonetheless be affected by the outcome of this case. In addition, a space should be added between section 1 and section 2 of the notice. Also, the one remaining reference to “attorney’s fees” should be changed to “attorney fees” for the sake of consistency.

Finally, in section 4, the language in all caps should read:

THE COMPLETED CONSENT FORM MUST BE MAILED OR HAND-DELIVERED TO COUNSEL FOR THE PLAINTIFFS AT THE ADDRESS LISTED BELOW. IT MUST BE POSTMARKED OR DELIVERED BY [DATE].

The paragraph at the end of section 5 should read:

If you decide to become a member of the collective action, please remember that the Court has set a time limit for your submission of the opt-in consent form. You will not be included in this lawsuit unless you return the enclosed consent form to counsel for the Plaintiffs by _____.

The language at the bottom of the consent form should read:

TO OPT IN, THIS SIGNED AND COMPLETED CONSENT FORM MUST BE MAILED OR HAND-DELIVERED TO COUNSEL FOR THE PLAINTIFFS AT THE ADDRESS LISTED BELOW. IT MUST BE POSTMARKED OR DELIVERED BY [DATE].

Counsel's address should be added.

SO ORDERED: 11/9/17

A handwritten signature in black ink that reads "William T. Lawrence". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic notification