

NOTICE OF PENDENCY OF LAWSUIT

TO: Current and former clinical nurse advisors who: (a) were employed by Humana Inc. or Humana Insurance Company between November 27, 2009 and the present, and (b) primarily performed utilization management functions (prospective reviews, retrospective claims reviews, or inpatient reviews in roles as acute case manager or concurrent review with discharge planning)

FROM: Attorney Rachhana T. Srey, Nichols Kaster, PLLP

INTRODUCTION

The purpose of this notice is to inform you that a lawsuit exists that you may join, 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.

DESCRIPTION

On February 8, 2012, Rebecca Schroeder and Diane Schroeder (the “Named Plaintiffs”) filed a lawsuit against Humana Inc. and Humana Insurance Company (collectively “Defendants” or “Humana”) in the United States District Court for the Eastern District of Wisconsin. The Named Plaintiffs in this lawsuit primarily performed utilization management review functions (prospective reviews, retrospective claims reviews, or inpatient reviews). They compared member’s clinical information to guidelines in order to make determinations about whether a requested authorization for benefits or services is covered under the member’s insurance plan. The Named Plaintiffs are former employees of Humana who contend that Humana misclassified them as “exempt” from overtime pay and failed to pay them and other similarly situated Clinical Nurse Advisors overtime pay for all of the overtime hours they worked. The Named Plaintiffs seek backpay wages and liquidated damages for themselves and other similarly situated current or former Clinical Nurse Advisors.

Humana contends that the Named Plaintiffs and other similarly situated Clinical Nurse Advisors were properly classified as “exempt” employees under the overtime laws because they fit the description of a “professional” and/or “administrative” employee under those laws and were paid a salary. Humana denies any wrongdoing and contends that all employees have been properly paid for their work.

YOUR RIGHT TO PARTICIPATE IN THE LAWSUIT

The United States District Court for the Eastern District of Wisconsin has held that a group of potentially similarly situated employees exists, and that notice should be distributed to all individuals who may have potential claims. The Court has not examined the merits of the case and has made no decision whether any employee will or should receive any compensation related to this lawsuit.

This notice has been distributed to:

Current and former clinical nurse advisors who: (a) were employed by Humana Inc. or Humana Insurance Company between November 27, 2009 and the present, and (b) primarily performed utilization management functions (prospective reviews, retrospective claims reviews, or inpatient reviews in roles as acute case manager or concurrent review with discharge planning).

If you fit the definition above and you worked more than 40 hours in any workweek during your employment without receiving overtime compensation, you are eligible to participate in the lawsuit.

You may join the lawsuit by mailing, emailing, or faxing the enclosed Plaintiff Consent Form to Plaintiffs' Counsel for filing with the Court:

Nichols Kaster, PLLP
Attn.: Rachhana T. Srey
4600 IDS Center, 80 South Eighth Street
Minneapolis, Minnesota 55402
Toll-Free Telephone: (877) 448-0492 (no faxes to this number)
Fax: (612) 215-6870
Email: srey@nka.com

The Plaintiff Consent Form must be postmarked on or before _____
[date 60 days from mailing] in order for you to participate. If you choose to join this case by filing a Plaintiff Consent Form, your interests will be represented by Plaintiffs' Counsel.

The Named Plaintiffs have retained the law firm of Nichols Kaster, PLLP as Plaintiffs' Counsel. If you choose to join this lawsuit, your interests will be represented by Plaintiffs' Counsel. The Named Plaintiffs and Plaintiffs' Counsel will generally have the right, as permitted by applicable rules or laws, to make certain decisions concerning the litigation on behalf of those who opt-in to the case, and those are generally binding.

Plaintiffs' Counsel are handling the case on a contingency fee basis, which means that you will not be required to pay attorneys' fees or expenses in advance. If there is a recovery, Plaintiffs' Counsel will receive a part of any money judgment or settlement obtained in your favor. If there is no recovery, there will be no attorneys' fees. The Court has retained jurisdiction to determine the reasonableness of any attorneys' fees awarded to Plaintiffs' Counsel.

EFFECT OF JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be bound by any ruling or judgment by the Court, or any agreement by the parties to settle the lawsuit, whether favorable or unfavorable. If you agree to join this case, you will be expected to participate in the litigation.

NO RETALIATION PERMITTED

The law prohibits retaliation against employees for exercising their rights to receive overtime. Therefore, Defendants are prohibited from discharging you or retaliating against you in any other manner because you choose to participate in this lawsuit.

CONCLUSION

This Notice and its content have been authorized by the United States District Court for the Eastern District of Wisconsin, the Honorable William C. Griesbach, U.S. District Judge. Although the Court has authorized the sending and content of this notice, the Court has taken no position on the merits of Plaintiffs' claims or Defendants' defenses.

DO NOT CONTACT THE CLERK OF COURT REGARDING THIS NOTICE.

PLAINTIFF CONSENT FORM

1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. against my current/former employer, Humana, to recover overtime pay.
2. During the past three years, there were occasions when I worked more than forty (40) hours in a workweek for Humana as a clinical nurse advisor. I did not receive proper overtime compensation for those hours.
3. I understand that I may withdraw my consent to proceed with my claims at any time by notifying the attorneys handling the matter.

Date: _____

Signature

Print Name

No Information Included Below Will Be Filed With the Court

Please Print or Type Your Contact Information

Address: _____

Number

City

State

Zip Code

Best Phone Number: _____

Email: _____

**Return this form by
fax, email or mail to:**

**Nichols Kaster, PLLP, Attn: Rachhana T. Srey
Fax: (612) 215-6870
Email: srey@nka.com
Address: 4600 IDS Center, 80 S. 8th St.,
Minneapolis, MN 55402
Web: www.nka.com and www.overtimecases.com**