

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF KANSAS

**If you were an Installation Technician employed by  
Mill-Tel, Inc., a collective action lawsuit may affect  
your rights.**

*A court authorized this notice. This is not a solicitation from a lawyer.*

**YOUR EMPLOYER CANNOT RETALIATE AGAINST YOU FOR JOINING IN THIS  
LAWSUIT**

**YOU HAVE UNTIL NOVEMBER 9, 2012 TO RESPOND TO THIS NOTICE**

- Installation Technicians have sued Mill-Tel, Inc., alleging a violation of the Fair Labor Standards Act for failing to pay straight time and overtime compensation to Installation Technicians.
- The Court has conditionally certified this lawsuit as a collective action on behalf of all Installation Technicians employed by Mill-Tel, Inc. at any time from July 12, 2009, through Present.
- The Court has not decided whether Mill-Tel, Inc. did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>ASK TO BE INCLUDED</b>	<p><b>Join this lawsuit. Await the outcome. Give up right to sue separately.</b></p> <p>By joining in this lawsuit, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Mill-Tel, Inc. separately about the same legal claims in this lawsuit.</p>
<b>DO NOTHING</b>	<p><b>Do nothing. Get no benefits from the lawsuit. Keep right to sue separately.</b></p> <p>If you do nothing, you will be excluded and if money or benefits are later awarded, you will not share in those. But, you keep any rights to sue Mill-Tel, Inc. separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this notice. To join in this lawsuit, you must act before November 9, 2012.

- Lawyers must prove the claims against Mill-Tel, Inc. If money or benefits are obtained from Mill-Tel, Inc., you will be notified about how to ask for a share.

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## BASIC INFORMATION

### 1. Why did I get this notice?

Mill-Tel, Inc.'s records show that you currently work, or previously worked for, Mill-Tel, Inc. as an Installation Technician.

This notice informs you of the existence of a collective action lawsuit and explains that the Court has allowed, or “conditionally certified,” a collective action lawsuit that may affect you. It also explains what you need to do to participate, or not participate and how your rights may be affected.

On July 12, 2012, the Honorable Judge Eric F. Melgren, United States District Judge for the District of Kansas, authorized the sending of this Notice to inform you of your rights to join this lawsuit.

### 2. What is this lawsuit about?

This lawsuit is about whether Mill-Tel, Inc. violated the Fair Labor Standards Act by failing to pay straight time and overtime compensation to Installation Technicians. More information about the Fair Labor Standards Act can be found at the website of the U.S. Department of Labor, Wage & Hour Division, [www.dol.gov/whd/](http://www.dol.gov/whd/).

### 3. What is a collective action and who is involved?

In a collective action (or class) action lawsuit, one or more people called “Class Representatives” (in this case Anthony Allen, Michael Knight and Byron Richard) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The individual who sued – and all the Class Members like them – are called the Plaintiffs. The company they sued (in this case Mill-Tel, Inc.) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who fail to join the lawsuit.

## THE CLAIMS IN THE LAWSUIT

### 4. What does the lawsuit complain about?

In this lawsuit, the Plaintiffs say that Mill-Tel, Inc. violated the Fair Labor Standards Act by failing to pay all straight time wages and overtime compensation to Installation Technicians and other employees performing similar work.

### 5. How does Mill-Tel, Inc. Answer?

Mill-Tel, Inc. denies that it did anything wrong. Mill-Tel, Inc. further says that its compensation plans and policies did not violate the Fair Labor Standards Act with respect to Installation Technicians or other employees performing similar work.

### 6. Has the Court decided who is right?

The Court has not decided whether Mill-Tel, Inc. or the Plaintiffs are correct. By conditionally certifying this Class and ordering the issuance of this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case.

### 7. What are the Plaintiffs asking for?

The Plaintiffs are asking for all unpaid wages, liquidated damages and attorney fees and costs for the Class Members.

### 8. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Mill-Tel, Inc. did anything wrong and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If you choose to join this lawsuit and such money or benefits become available, you will be notified about how to ask for a share.

## WHO IS IN THE CLASS

### **You need to decide whether you are affected by this lawsuit.**

#### 9. Am I part of this Class?

Judge Melgren decided to conditionally certify a Class of all persons who were employed by Mill-Tel, Inc. as Installation Technicians at any time between July 12, 2009 through the Present.

#### 10. Which current and former employees are included?

Current and former Installation Technicians are conditionally certified as being a part of the Class if they were employed by Mill-Tel, Inc. at any time from July 12, 2009 through the Present. In other words, these Installation Technicians are included:

- **Installation Technicians currently employed by Mill-Tel, Inc.**
- **Installation Technicians no longer employed by Mill-Tel, Inc., but who were employed by Mill-Tel, Inc. at any time between July 12, 2009 to the Present.**

#### 11. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing to the lawyers in this case at the phone number or address listed in question 19.

## YOUR RIGHTS AND OPTIONS

### 12. How do I join this lawsuit?

To participate in this lawsuit, you need to fill out the enclosed Consent to Join form and mail it in the enclosed self-addressed stamped envelope. It is entirely your own decision whether or not to join this lawsuit. To join in this lawsuit, you must act before **November 9, 2012**.

If you fail to do so, you will not be allowed to participate in any recovery for the federal overtime claims in this lawsuit and may be jeopardizing your right to sue.

If you decide to join this lawsuit, you will be bound by the settlement or judgment, whether it is favorable or not. If there is a favorable resolution, either by settlement or judgment, and you qualify, you will be entitled to some portion of the recovery.

### 13. What happens if I do nothing at all?

If you do nothing, you will not participate in the collective action. You will not be bound by any decision or settlement in this lawsuit. Therefore, you will not be entitled to recovery should there be any for those claims.

You can also start your own lawsuit against Mill-Tel, Inc. You'll have to retain your own lawyer for that lawsuit, and you'll have to prove your claims. If you choose to exclude yourself by doing nothing, you can start or continue your own lawsuit against Mill-Tel, Inc. You should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

### 14. I am afraid Mill-Tel, Inc. may take action against me if I join.

Federal law prohibits Mill-Tel, Inc. from taking adverse action against persons because they have exercised their rights under the FLSA to participate in this lawsuit. You are entitled to additional damages should a court determine Mill-Tel, Inc. took any action against you for joining this lawsuit.

### 15. Do I have to do anything once I join?

The lawyers will handle most of the presentation of the case. While this suit is pending, however, you may be required to submit documents and written answers to questions and to testify under oath at a deposition, hearing, or trial – for which travel may be required.

## THE LAWYERS REPRESENTING YOU

### 16. Do I have a lawyer in this case?

The law firms of OSMAN & SMAY LLP and WITHERS, GOUGH, PIKE, PFAFF & PETERSON, LLC are representing the named plaintiffs in this action. They are experienced in handling similar cases against other employers. More information about the law firms, their practices and the lawyers' experience is available at [www.workerwagerights.com](http://www.workerwagerights.com) and [www.withersgough.com](http://www.withersgough.com).

### 17. Should I get my own lawyer?

You do not need to hire your own lawyer because OSMAN & SMAY LLP and WITHERS, GOUGH, PIKE, PFAFF & PETERSON, LLC are working on your behalf. But, if you want your own lawyer, you will have to retain that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than OSMAN & SMAY LLP and WITHERS, GOUGH, PIKE, PFAFF & PETERSON, LLC to speak for you. If you decide to have another attorney represent you, that attorney will need to draft a consent form for you which you should then mail to OSMAN & SMAY LLP and WITHERS, GOUGH, PIKE, PFAFF & PETERSON, LLC.

### 18. How will the lawyers be paid?

If the attorneys get money or benefits for the employees, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants the lawyers' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Mill-Tel, Inc.

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, you will be notified about how to participate. We do not know how long this will take. If you do not prevail on your claim, court costs and expenses may possibly be assessed against you.

## GETTING MORE INFORMATION

### 19. Are more details available?

If you have further questions about your options or would like more information, you may also contact the Plaintiffs' attorneys at:

Sean McGivern WITHERS, GOUGH, PIKE, PFAFF & PETERSON, LLC O.W. Garvey Bldg., Suite 1010 Wichita, KS 67202 <a href="mailto:smcgivern@withersgough.com">smcgivern@withersgough.com</a> 316-267-1562 (Phone) 316-303-1018 (Facsimile)	Matthew E. Osman OSMAN & SMAY LLP 7930 Santa Fe Dr., Suite 100 Overland Park, KS 66204 <a href="mailto:mosman@workerwagerights.com">mosman@workerwagerights.com</a> 913-667-9243 (Phone) 866-470-9243 (Facsimile)
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**ANTHONY ALLEN, et al.,  
On behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**v.**

**MILL-TEL, INC.,**

**Defendant**

**CONSENT TO JOIN**

**Civ. No.: 11-1143-EFM**

**CONSENT TO JOIN**

My name is \_\_\_\_\_. I worked as an Installation Technician or had similar job duties to those of the Named Plaintiffs, for Defendant Mill-Tel, Inc. (Defendant) from on or about (month, year) \_\_\_\_\_ to on or about (month, year) \_\_\_\_\_. By my signature below, I hereby authorize the filing and prosecution of claims in my name and on my behalf to contest the Defendant's failure to pay me wages as required under federal law as brought in these proceedings. I also authorize the filing of this Consent to Join in the action(s) challenging such conduct in this and any subsequent actions that may or may not be filed post decertification, as needed. I authorize the representative plaintiffs and designate them class representatives as my agents to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiff's counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____	Date: _____
Printed Name: _____	Address: _____
Phone Number: _____	City, State, Zip: _____
Email: _____	