

NOTICE OF COLLECTIVE ACTION LAWSUIT

KIMBERLY SCHAFFER V. FIRELANDS REGIONAL MEDICAL CENTER

TO: All current and former behavioral health case managers employed by Firelands Regional Medical Center and who received compensation in the form of a base salary in one or more workweeks at any time between July 23, 2020, and [Date Court Approved Notice].

RE: Your right to join a collective action seeking to recover unpaid overtime compensation.

1. PURPOSE OF THIS NOTICE

This Notice informs you of a collective action that has been filed under the Fair Labor Standards Act (“FLSA”), advises you of your rights as an opt-in plaintiff, and tells you how you can join this the action if you choose to do so.

2. DESCRIPTION OF THE ACTION

On July 23, 2023, this collective action was filed against Firelands Regional Medical Center in the U.S. District Court for the Northern District of Ohio, Western Division, Case No. 3:23-cv-1415. The action was filed on behalf of Named Plaintiff Kimberly Schaffer and all other similarly-situated behavioral health case managers.

Ms. Schaffer alleges that Firelands violated the FLSA by misclassifying her as exempt from the FLSA overtime pay requirement and, as a result, she did not receive overtime compensation for hours worked over 40 per workweek. Ms. Schaffer alleges that she and all other similarly situated behavioral health case managers are entitled to recover from Firelands: (a) unpaid overtime compensation; (b) liquidated damages; (c) attorneys’ fees; and (d) expenses.

Firelands asserted and continues to assert defenses to the lawsuit and has expressly denied and continues to deny any wrongdoing or legal liability arising out of any of the facts or conduct alleged by Ms. Schaffer. Firelands also denies that Ms. Schaffer and potential opt-in Plaintiffs are similarly situated.

Although the Court has authorized the sending of this Notice, the Court has not expressed any opinion as to the merits of any claim or defenses asserted by any party to this lawsuit. The right to any recovery has not been established and is not guaranteed or certain.

3. YOUR RIGHT TO PARTICIPATE IN THIS ACTION

Plaintiff seeks to sue not only for herself, but also for other persons with whom she is similarly situated. Plaintiff alleges those individuals are current and former behavioral health case managers employed by Firelands and who received compensation in the form of a base salary in one or more workweeks at any time between July 23, 2020 through [Date Court approved Notice]. If you fit this definition, you are entitled to opt-in to participate in this action.

You are not required to join this lawsuit. If you choose to participate, you must return the Consent Form as explained in Section 4 below. If you choose not to participate, you do not need to do anything. You may ignore this Notice and you need not return the Consent Form. The decision to join is entirely yours.

4. HOW TO PARTICIPATE IN THIS ACTION

To join this collective action, you must sign and return the enclosed “Consent Form.” You can return the Consent Form by any of the following means: (a) **e-signing** the form at www.tittlelawfirm.com/FirelandsOTSuit; (b) **texting or faxing** a picture of the completed form to (419) 827-5940 (this is a text/fax-only number and does not receive phone calls); (c) **mailing** it to Plaintiff’s counsel in the included self-addressed and postage-prepaid envelope; or (d) **scanning** the form and emailing it to Plaintiff’s counsel at scott@tittlelawfirm.com.

The signed Consent Form must be signed, texted, postmarked, faxed, or emailed by [sixty days from distribution]. It is important that you return the Consent Form as soon as possible because untimely return of your form will forfeit your right to receive any compensation through this lawsuit. If you lose or misplace the enclosed Consent Form, or if you have any questions about filling out or returning the Consent Form, you may contact Plaintiff’s counsel listed below in paragraph 8 of this Notice. Do not contact the Court, Counsel for Firelands, or Firelands.

5. NO RETALIATION PERMITTED

The law prohibits Firelands or any of its agents or employees from discharging you, or in any manner harassing, discriminating or retaliating against you for taking part in this action.

6. EFFECT OF JOINING THIS ACTION

If you join this action, you will become an opt-in Plaintiff and you will be a party to the case. This means that if you choose to join the lawsuit, you may be required to participate in the action, such as answer written questions about your employment with Firelands, produce documents, and/or testify under oath at a deposition and/or trial at the federal courthouse located in Toledo, Ohio. Further, you will be bound by any judgment that is rendered, whether favorable or unfavorable, and share in any recovery of those claims, including any settlement.

If you join this action, you also designate Ms. Schaffer as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, and entering into a settlement agreement with Firelands and all other matters pertaining to this action.

Ms. Schaffer has entered into a contingency fee agreement with Plaintiff's counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. If there is a recovery of wages, liquidated damages, and/or attorneys' fees and costs, Plaintiff's counsel will be paid whatever attorneys' fees and costs the Court orders or approves as fair and reasonable. If there is no recovery, Plaintiff's counsel will not be paid for their work on this case.

7. NO LEGAL EFFECT OF NOT JOINING THIS ACTION

You have no obligation to join the lawsuit. If you choose not to join this action, you will not be bound by any judgment or settlement, whether favorable or unfavorable, and you will not share in any recovery. You will be free to file your own lawsuit.

8. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you return the Consent Form, you will be represented by:

Scott D. Perlmutter
4106 Bridge Ave.
Cleveland, OH 44113
216-222-2222
Fax: 888-604-9299
scott@tittlelawfirm.com

9. FURTHER INFORMATION

Further information about this Notice or the action may be obtained by calling Tittle & Perlmutter at 216-222-2222. The call is free and confidential.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFF'S CLAIMS OR OF FIRELANDS' DEFENSES.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KIMBERLY SCHAFFER,)	CASE NO: 3:23-cv-01415
<i>On behalf of herself and All Other Persons</i>)	
<i>Similarly Situated</i>)	JUDGE JEFFREY HELMICK
)	
Plaintiff,)	
)	
v.)	
)	
FIRELANDS REGIONAL MEDICAL)	
CENTER,)	
)	
Defendant.)	

CONSENT FORM

I hereby consent, agree, and opt-in to be a party Plaintiff in the above-captioned collective action. I agree to be represented by Tittle & Perlmutter. I understand that by filing this consent, I will be bound by the judgment of the Court on all issues in this case.

Signature

Printed Name

Date

RETURN COMPLETED FORM BY ANY OF THE FOLLOWING MEANS:

- (a) **e-signing** the form at www.tittlelawfirm.com/FirelandsOTSuit;
- (b) **texting or faxing** a picture of the completed form to (419) 827-5940 (this is a text/fax-only number and does not receive phone calls);
- (c) **mailing** it to Plaintiff's counsel in the included self-addressed and postage-prepaid envelope at 4106 Bridge Ave., Cleveland, OH 44113; or
- (d) **scanning** the form and emailing it to Plaintiff's counsel at scott@tittlelawfirm.com.

Must be texted, postmarked, faxed, or emailed by [sixty days from distribution]

CONFIDENTIAL CLIENT INFORMATION SHEET

**THIS INFORMATION IS FOR PLAINTIFF'S COUNSEL ONLY
AND WILL NOT BE MADE PUBLIC.**

Name: _____

Address: _____

Telephone Numbers: _____

E-Mail: _____