

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Egan et al. v. Fastaff LLC and U.S. Nursing Corp.

Case No. 1:22-cv-03364-MEH

NOTICE OF CONDITIONALLY CERTIFIED COLLECTIVE ACTION LAWSUIT

If you worked as a travel healthcare professional for Fastaff or U.S. Nursing Corporation and you (1) worked more than 40 hours in a workweek from February 16, 2020 until October 19, 2023, and (2) received a “Housing Stipend” (or its equivalent by any other name) that was not included in your regular rate of pay during a workweek where you worked more than 40 hours, you are eligible to participate in this lawsuit to recover overtime pay.

PLEASE READ THIS NOTICE CAREFULLY

YOUR LEGAL RIGHTS MAY BE AFFECTED BY THIS LAWSUIT

You are receiving this Court-authorized Notice because you worked as a travel healthcare professional for Defendants Fastaff, LLC and/or U.S. Nursing Corp. (collectively “Fastaff”) and worked more than 40 hours during a workweek when you received a “Housing Stipend” during the relevant time. According to Fastaff’s records, you are eligible to participate in this lawsuit to potentially recover unpaid wages and other damages under the Fair Labor Standards Act (“FLSA”). **To participate, you must complete, sign, and return the enclosed Consent to Join Form by February 14, 2024.**

What is the Lawsuit about?

Plaintiffs Theresa Egan, Brian Barker, and Sabrina Budden-Wright worked as travel nurses for defendant Fastaff. They filed a lawsuit on behalf of themselves and other similarly situated employees against Fastaff alleging, among other things, that the company violated the FLSA by excluding the value of their housing stipends from their “regular rate” of pay, and thus miscalculating their mandated overtime rate of pay. This alleged miscalculation resulted in underpayment of overtime wages, which the Plaintiffs seek to recover, among other things, in this lawsuit.

The Plaintiffs sought to represent similarly situated employees at Fastaff and to give them an opportunity to participate in the lawsuit by filing a Consent to Join Form. The Court entered an Order dated October 19, 2023, which is why you are receiving this Notice and being given the opportunity to join this lawsuit. You may receive this Notice and information about this lawsuit via U.S. Mail and email.

The Court has not decided which side is right. By conditionally certifying this lawsuit as a collective action and issuing this notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

Your options are explained on the next page.

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YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
PARTICIPATE BY RETURNING YOUR CONSENT TO JOIN FORM	<p>If you choose to be included in this lawsuit, you will be bound by its outcome, which includes sharing in any monetary judgment or settlement that may be secured. You give up any rights to separately sue Fastaff about the same legal claims in this lawsuit.</p> <p>To be included in this lawsuit, you must complete, sign, and return the enclosed Consent to Join Form by February 14, 2024. Please see options for returning your Consent to Join Form below.</p>
DO NOTHING	<p>If you do not want to participate in this lawsuit, you do not need to do anything. If you do nothing, you will not be bound by any outcome in this litigation and may retain your right to sue Fastaff separately. However, the statute of limitations on the FLSA overtime claims in this case will continue to run, and you will not be able to later elect to participate in this action. Further, if this action results in a money judgment or settlement, you will not be able to receive any portion of those benefits.</p>

How do I participate in the lawsuit?

To participate in the lawsuit, you must complete, sign, and return the enclosed Consent to Join Form by February 14, 2024. There are two ways for you to return your Consent to Join Form:

Option 1 – Mail Your Consent to Join Form: You can mail your completed and signed Consent to Join Form to the notice administrator using the postage pre-paid return envelope enclosed with this Notice.

Option 2 – Electronically Submit Your Consent to Join Form: You can complete, sign, and submit your Consent to Join Form online by going to www.FastaffWageCase.com.

What are my options?

You have two options.

Option 1 – Participate in the Lawsuit: Your first option is to participate in this lawsuit by returning your Consent to Join Form as described above. If you do that, you will (a) join the litigation as an opt-in plaintiff, (b) be bound by any judgment in the case, and (c) have the opportunity to share in any monetary judgment or settlement that might be secured in this case. You will be giving up your right to separately sue Fastaff regarding the claims in this case. If you choose to join the lawsuit, you may be asked to give testimony or information about your work for Fastaff.

Option 2 – Do Nothing, Do Not Participate in the Lawsuit: Your second option is to do nothing. If you do nothing, you will not participate in the lawsuit. You will not be bound by any judgment in the lawsuit and will not share in any potential monetary judgment or settlement. You will preserve your right to separately sue Fastaff regarding the claims in this case at your own expense. Your statute of limitations for the FLSA overtime claims in this case will continue to run.

Why did I get this Notice?

You received this Notice because Fastaff’s records show you are a member of the following group of people that the Court authorized to receive this Notice and be given an opportunity to participate in this lawsuit:

All travel healthcare professionals currently or formerly employed by Fastaff or U.S. Nursing Corporation who (1) worked more than 40 hours in a workweek from February 16, 2020 until the date of the Court’s conditional certification order and (2) who received a “Housing Stipend” (or its equivalent by any other name) that was not included in their regular rate of pay during a workweek where they worked more than 40 hours.

Questions or want to submit your Consent to Join Form online? Visit www.FastaffWageCase.com.

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If you meet this definition, you are eligible to participate in this lawsuit to recover overtime pay. If you still have questions about whether you are eligible to participate in the lawsuit, please contact the Notice Administrator at 833-632-5646 or info@FastaffWageCase.com or visit www.FastaffWageCase.com.

What are the Plaintiffs asking for?

The Plaintiffs are asking the Court to award them and similarly situated employees any unpaid overtime wages during the relevant time period, along with an additional amount as liquidated damages, pre-judgment and post-judgment interest, reasonable attorneys' fees, and the costs of this action.

Do I have a lawyer?

If you opt to join the collective, you will be represented by Plaintiffs' counsel, who will commonly represent the interests of Plaintiffs, and all similarly situated employees that join this lawsuit. You do not have to separately pay Plaintiffs' counsel. If the lawsuit results in a money judgment or settlement, Plaintiffs' Counsel, at their option and depending on the circumstances, will seek their attorneys' fees and costs as a percentage of the overall recovery, or to be separately paid by Fastaff, all subject to Court approval. You may alternatively choose to retain your own counsel or represent yourself.

Plaintiffs' Counsel are:

George A. Hanson
Alexander T. Ricke
Crystal Cook Leftridge
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, MO 64112

What if I have questions about this Notice or need more information?

This Notice is only a summary of your rights. If you have any questions about this Notice, how to participate in the lawsuit, or anything else, then you may contact Plaintiffs' Counsel through the Notice Administrator at 833-632-5646 or info@FastaffWageCase.com. You can also find more information about the lawsuit at www.FastaffWageCase.com. A copy of the Plaintiff's Complaint outlining the claims in this lawsuit, the Court's Order authorizing this Notice, and other pertinent documents are posted on the website.

The Court is not able to answer questions about the lawsuit or this Notice. Please contact Plaintiffs' Counsel through the Notice Administrator if you have questions or need additional information.

This is a Court approved Notice. This is not a solicitation or advertisement.