

# NOTICE of COLLECTIVE ACTION OVERTIME LAWSUIT and OPPORTUNITY TO JOIN

## Why Did I Get This Notice?

You have been identified as an individual that worked for J. G. Wentworth Home Lending, LLC (“**Wentworth**”) or WestStar Mortgage, Inc. as a Loan Officer, or other mortgage sales person (“**Loan Officer**”) in a call center between February 9, 2015 and the present. If you have received this Notice, you may be eligible to join this lawsuit.

## What’s This About?

A former Wentworth Loan Officer filed a lawsuit that seeks to recover overtime pay for working more than 40 hours in a workweek. The lawsuit claims that Loan Officers worked more than 40 hours in most, if not all, weeks; but, because they were paid on a Commission basis, they did not receive overtime pay.

You are eligible to join this lawsuit if you worked more than 40 hours in any week without receiving overtime pay or your Commission was not used to calculate your overtime pay.

Wentworth contends that it properly paid Loan Officers and contends that it does not owe any overtime wages.

This Court has not decided whether Wentworth failed to pay overtime wages. Plaintiff in this lawsuit must prove his claim at trial unless the case is settled.

## What Can I Get?

If you join this lawsuit and the Loan Officers settle the case or win, you and the other plaintiffs may get an amount up to two times the unpaid overtime wages you and they should have received as well as attorneys’ fees and costs.

## Can I be Retaliated Against?

No. It is unlawful for Wentworth or your current employer to terminate your employment or take any adverse action, as defined by the law, against you as a result of your participation in this suit.

## How Do I Make a Claim?

If you want to join the lawsuit as a plaintiff, you can sign and join by DocuSign or fill out the attached *Consent to Join* form and mail, email or fax it to Mr. Miltenberger at the address below. It must be received in Mr. Miltenberger’s office by **April 5, 2018**.

## What Are My Choices?

If you choose to join in this case, you will be bound by the result in this case, whether it is favorable or unfavorable. If you join the case, you will not have to pay the lawyers anything out of pocket, win or lose. Mr. Miltenberger is representing the Loan Officers on a contingency fee basis.

You may have to respond to written discovery requests, provide documents and/or provide testimony.

If you do not wish to join the lawsuit as a plaintiff, you are free to take action on your own or do nothing.

## Can I Get More Information?

You can call the Loan Officers’ attorneys at 1-817-416-5060. The call is confidential. Or write or email Mr. Miltenberger at:

Law Office of Chris R. Miltenberger, PLLC  
Chris R. Miltenberger, Esq.  
1340 N. White Chapel, Suite 100  
Southlake, Texas 76092  
Phone: 817-416-5060; Fax: 817-416-5062  
chris@crmlawpractice.com

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

|   |   |                                      |
|---|---|--------------------------------------|
| <b>David Dickens</b> , individually and | § |                                      |
| on behalf of all those similarly        | § |                                      |
| situated                                | § |                                      |
| Plaintiff,                              | § |                                      |
|   | § | Civil Action No: 4:17-cv-642-ALM-KPJ |
| v.                                      | § |                                      |
|   | § |                                      |
| <b>J. G. Wentworth Home Lending</b>     | § | Jury Demanded                        |
| <b>LLC,</b>                             | § |                                      |
| Defendant                               | § |                                      |

**CONSENT TO JOIN**

- I consent to become a party plaintiff and join a lawsuit against J. G. Wentworth Home Lending LLC (“**Defendant**”) seeking damages for unpaid wages under the Fair Labor Standards Act. I was employed by Defendant as a loan officer or like position in the last three years, worked more than 40 hours a week and was not paid overtime.
- By my signature below, I authorize and designate David Dickens and his attorneys as my representatives to make all decisions on my behalf concerning the method and manner of conducting the case including settlement, the entering of an agreement with Plaintiff’s counsel regarding payment of attorneys’ fees and court costs, releasing of claims, and all other matters pertaining to this lawsuit.
- I acknowledge that this Consent Form is intended to be filed to recover wages I believe I am owed, whether in the case in which this consent is initially filed or if due to unforeseen procedural matters, in any subsequent related suit to be filed on my behalf seeking recovery from Defendant.
- I understand that while I have the right to choose other counsel and to pursue my claims on my own behalf, I choose and agree to be represented by Chris R. Miltenberger of the Law Office of Chris R. Miltenberger, PLLC and Jack Siegel of the Siegel Law Group PLLC, counsel for the named Plaintiff.

\_\_\_\_\_   
Date

\_\_\_\_\_   
Signature

\_\_\_\_\_   
Printed Name

**PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:**

**This information will NOT be made part of any public record and is necessary for your attorney's files for litigation and possible settlement purposes.**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Social Security No. (or last 4 digits): \_\_\_\_\_

Cellular Telephone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Work Location: \_\_\_\_\_

Beginning Date of Employment: \_\_\_\_\_

Ending Date of Employment: \_\_\_\_\_