

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Beth Degrassi, individually and on behalf of all others similarly situated,	§	
	§	
	§	
Plaintiff,	§	CA No.: 15-cv-577-ALM
v.	§	
	§	Collective Action
Nicka & Associates, Inc.,	§	Jury Demanded
	§	
Defendant.	§	

NOTICE OF COLLECTIVE ACTION AND OPPORTUNITY TO JOIN LAWSUIT

To: Medical Coders (regardless of actual job title) who performed coding services for Nicka and Associates, Inc. at any time from December 1, 2012 to the present.

Re: Fair Labor Standards Act ("FLSA") lawsuit seeking to recover minimum wage and overtime pay.

Date: January 5, 2016

You have been identified as an individual who performed coding services for Nicka and Associates ("Nicka") as a Medical Coder from December 1, 2012 to the present. The purpose of this notice is to inform you that you may be eligible to join a collective action lawsuit against Nicka and to explain how you may do so. In the lawsuit Beth Degrassi ("Degrassi" or "Plaintiff") alleges that she is owed minimum wage and overtime pay for hours she worked while employed by Nicka as a Medical Coder. You have the right to participate in this collective action lawsuit and this Notice explains how you may do so.

What is this lawsuit about?

In the lawsuit, Degrassi is seeking to recover minimum wage and overtime pay for hours she alleges that she worked over 40 hours in a work week while performing coding services for Nicka as a Medical Coder. Degrassi worked for Nicka performing medical coding as a Medical Coder. The lawsuit claims that even though Medical Coders were paid on a per chart basis, they were eligible for minimum wages and overtime wages and worked more than 40 hours in one or more work weeks, but did

This noticed has been authorized by the United States District Court in Sherman, Texas, but the Court has taken no position on the merits of the case.

not get overtime pay for the hours they worked over 40 hours per week. Degrassi claims that she worked overtime hours, including coding, attending meetings, training and time spent meeting with auditors, and never received overtime pay. Degrassi seeks back wages for the time worked over 40 hours a week. In addition to back wages and unpaid overtime, Degrassi is seeking liquidated damages equal to her unpaid wages and overtime, attorneys' fees, and costs. Nicka contends that employees either received overtime pay as required by law, or that Degrassi and the Medical Coders were appropriately classified as exempt employees under the Department of Labor Standards, and therefore were not eligible for overtime wages.

The Court has not decided whether Nicka failed to pay any overtime wages owed. The plaintiffs in this lawsuit must prove their claim at trial unless the case is settled. If you worked more than 40 hours in a week without overtime pay (time and a half pay), you may be eligible to join this action.

What happens if I join this lawsuit?

If you join this lawsuit, you consent to having Ms. Degrassi represent you and the other Medical Coders as lead plaintiff, and to having Mr. Miltenberger and his law firm act as your legal representative in this matter. You may have to answer questions about your claim, respond to written discovery requests, provide documents and/or provide testimony in a deposition.

If you join this lawsuit and Degrassi and the Medical Coders win, you may get an amount up to two times the unpaid wages that should have been paid. Mr. Miltenberger and his law firm are representing Degrassi and the Medical Coders on a contingency fee basis, which means if there is no recovery, they receive no attorneys' fees. If there is a recovery, Mr. Miltenberger and his law firm will be paid a percentage of the monetary judgment or settlement for you and other class members. If you join this lawsuit and the Medical Coders lose, you will get nothing and are barred from bringing a future claim for unpaid overtime wages for your hours worked from December 1, 2012 to the present.

How do I join the lawsuit?

If you want to join the lawsuit, fill out the enclosed *Consent to Join Lawsuit* form and mail, email or fax it back to Mr. Miltenberger's law firm. It must be mailed or received by March 4, 2016. A *Consent to Join Lawsuit* form is enclosed with a self-addressed stamped envelope.

What are my choices?

If you wish to join the lawsuit, mail in your *Consent to Join Lawsuit* form by March 4, 2016. If you choose to join in the case, you will be bound by the result in this case, whether it is favorable or unfavorable.

If you do not wish to join the lawsuit, you are free to do nothing. You will not be bound by the outcome, whether favorable or unfavorable. You will not be entitled to recover if Degrassi and the Medical Coders win. You can, however, bring your own lawsuit.

Can Nicka retaliate against me for joining this lawsuit?

No. Federal law prohibits anyone from discriminating or retaliating against you for taking part in this case and Nicka has agreed to abide by the law in this regard.

Can I get more details?

To learn more, you can call Chris Miltenberger, Degrassi and the Medical Coders' attorney, at 1-817-416-5060. The call is confidential. Or write or email to:

Chris R. Miltenberger, Esq.
1340 N. White Chapel Blvd., Suite 100
Southlake, Texas 76092
817-416-5060 (phone); 817-416-5062 (fax)

chris@crmlawpractice.com;
www.crmlawpractice.com
Or visit the case website at:
www.NickaOvertimeLawsuit.com

CONSENT TO JOIN LAWSUIT

- I consent to become a party plaintiff and join a lawsuit against Nicka and Associates, Inc. (“Nicka”) seeking damages for unpaid wages under the Fair Labor Standards Act. I have read the Notice of Collective Action and Opportunity to Join Lawsuit (the “Notice”) and the criteria for joining this lawsuit contained in the Notice.
- By joining this lawsuit, I: (1) authorize the named Plaintiff (Beth Degrassi, and other persons she designates as necessary) and her attorneys to prosecute the above-referenced matter in my name and on my behalf; and (2) designate the named Plaintiff to make decisions on my behalf concerning the litigation, including negotiating a resolution of my claims in a settlement, the entering of an agreement with Plaintiff’s counsel regarding payment of attorneys’ fees and court costs, and all other matters pertaining to this lawsuit, and understand that I will be bound by such decisions made on my behalf.
- I further acknowledge that this Consent Form is intended to be filed to recover wages I believe I am owed by Nicka, whether in the case in which this consent is initially filed or any in any subsequent action that may be filed on my behalf for such recovery.
- I agree to be represented by Chris R. Miltenberger of the Law Office of Chris R. Miltenberger, PLLC counsel for the named Plaintiff.
- I authorize Plaintiff’s counsel to reuse this Consent Form to re-file my claims in a separate or related action against Nicka and Associates, Inc. if: (1) the collective action is decertified; and/or (2) in the opinion of Plaintiff’s counsel it is advisable to do so.

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: _____

Location at Which You Worked (City, State): _____

Any other Name(s) used or known by: _____

Street Address: _____

Mailing Address: _____

City, State & Zip Code: _____

Social Security No. (or last 4 digits): _____

Daytime Telephone: _____

Evening Telephone: _____

Cellular Telephone: _____

E-Mail Address: _____

Beginning Date of Employment: _____

Ending Date of Employment: _____

Return this form to: Law Office of Chris R. Miltenberger, PLLC
Chris R. Miltenberger, Esq.
1340 N. White Chapel, Suite 100
Southlake, Texas 76092
Facsimile: 817-416-5062
Phone: 817-416-5060
Email: chris@crmlawpractice.com