

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

**JUNE MURPHY, individually and behalf of all
other similarly situated persons,**

Plaintiffs,

v.

**NORTHERN DUTCHESS PARAMEDICS,
INC., and EDWARD B. MURRAY,**

Defendants

11-CIV-5661 (CS)

A Federal Court authorized this notice. This is not a solicitation from a lawyer. Do not contact the Judge, the Judge's chambers, or the Clerk of Court with any questions about this lawsuit.

**If you are or were a Paramedic or Emergency Medical
Technician (EMT) employed by Northern Dutchess
Paramedics on or after August 15, 2005, a class and
collective action lawsuit may affect your rights.**

- A former paramedic who worked for Northern Dutchess Paramedics, Inc. (NDP) has sued NDP, claiming that the company failed to pay her and other paramedics and EMTs for all the hours worked.
- The Court has allowed this lawsuit to be brought as a federal collective action on behalf of all of NDP paramedics and EMTs who worked for NDP at any time between September 19, 2008 and the present.
- The Court has also allowed this lawsuit to be brought as a State class action on behalf of all of NDP paramedics and EMTs who worked for NDP at any time between August 15, 2005 and the present.
- The Court has not decided whether NDP did anything wrong. There is no money available now and no guarantee that there will be. However, your legal rights are affected, and you have choices to make now.
- There are federal and state law claims in this case and the procedures for participating in each are different. The procedures are described below.

**There are decisions which you must make about the case
now. Read On.**

FEDERAL FAIR LABOR STANDARDS ACT CLAIMS
 If you worked for NDP between 9/19/2008 and the present:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
IF YOU SUBMIT A “CONSENT TO SUE” FORM	<p>You will join in the federal claims in the lawsuit, and will give up certain rights.</p> <p>By signing the attached “Consent to Sue” form, you join the collective action lawsuit as a party and have the possibility of getting an award of money damages that may come from a judge’s decision or settlement.</p> <p>You also give up any right to sue NDP separately for the federal law claims.</p>
IF YOU DO NOTHING	<p>You will not join the federal part of the lawsuit and will get no benefits from it, but will keep the right to sue on your own.</p> <p>If you do nothing and money or benefits are later awarded on the federal law claims, you won’t get a share. But, you will keep any right to sue NDP separately for the federal claims.</p>

NEW YORK STATE LABOR LAW CLAIMS
 If you worked for NDP between 8/15/2005 and the present:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
IF YOU DO NOTHING	<p>You will be included in this part of the lawsuit and will give up certain rights.</p> <p>Even if you do not submit a “Consent to Sue” form to join the federal law collective action, you will still be part of the state law class action, unless you ask to be excluded.</p> <p>By doing nothing, you become a member of the class and you keep the possibility of getting money that may come from a judge’s decision or a settlement.</p> <p>You also give up any right to sue NDP separately for the state law claim.</p>
IF YOU ASK TO BE EXCLUDED	<p>You will not be included in this part of the lawsuit and will get no benefits from it, but will keep rights to sue on your own.</p> <p>If you ask to be excluded and money or benefits are later awarded on the state law claim, you won’t get a share. But, you keep any rights to sue NDP separately for the state law claim.</p>

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BASIC INFORMATION

1. Why did I get this notice?

You received this notice because Northern Dutchess' records show that you currently work, or previously worked, for NDP as a paramedic or EMT. This Notice explains that the Court has allowed, or "certified," a class action and a collective action lawsuit that may affect you. It also explains your legal rights and options for the federal and state law parts of the case and what you can do before the Court makes a final decision on the case.

2. What is this lawsuit about?

This lawsuit is about whether NDP violated federal law by failing to pay paramedics and EMTs for all the hours they worked doing mandatory pre and post shift stocking, restocking, inspections and paperwork ("overtime policy claims"), and by imposing a time rounding compensation rule that operated to the disadvantage of paramedics and EMTs ("rounding policy claims"). This lawsuit is also about whether the rounding policy claims violated state law. NDP denies that it did anything wrong and says that its pay practices were legal under the federal Fair Labor Standards Act and under New York State Labor Laws. You can read the Plaintiff's Complaint at:

http://getmansweeney.com/wp-content/uploads/2011/09/Complaint_Northern_Dutchess.pdf

On December 19, 2012, Honorable Cathy Seibel conditionally certified a collective under for Plaintiff's overtime and rounding policy claims under the Fair Labor Standards Act. Judge Seibel also certified a State class action for Plaintiff's rounding policy claims under the New York State Labor Law.

The lawsuit has two parts: a federal part known as a "collective action" and a state part known as a "class action." What you have to do for each of these parts is explained below.

3. Will I have to pay anything to join this case?

No. Plaintiffs' attorneys are handling this case on a contingent fee basis and you do not have to pay anything to join the case. If the Plaintiffs are successful, the law requires Defendants to pay for Plaintiffs' reasonable costs and fees and the Court will determine how much Defendants will have to pay. If Plaintiffs are not successful, there will be no charge.

4. Can anyone retaliate against me if I join this case?

No. Federal and state law prohibits anyone from taking any action to harm you for participating in this case. NDP will not retaliate against anyone who participates.

HOW TO PARTICIPATE IN THE CASE

5. How do I join the Collective Action?

This Collective Action is brought for NDP paramedics and EMTs **who choose to join the case** and who worked for NDP after September 20, 2008.

To become part of the Collective Action part of the case, you must fill out and mail, email, or fax the “Consent to Sue” form enclosed with this Notice to Class Counsel no later than April 21, 2013. See paragraph 12 for more details.

6. Are former employees eligible to join the Collective Action?

Yes. Former NDP paramedics and EMTs are able to join in the Collective Action as long as they were employed by NDP after September 19, 2008 and file a Consent to Sue form to join the lawsuit.

7. Are current employees eligible to join the Collective Action?

Yes. Current NDP paramedics and EMTs are able to join in the Collective Action as long as they file a Consent to Sue form by April 21, 2013.

8. How do I join the Class Action?

All paramedics and EMTs who worked for NDP after August 15, 2005 are part of the Class Action unless they send a letter asking to be excluded. This written request to be excluded from the Class Action must be sent to the Plaintiffs’ lawyers, by either mail, email, or fax, no later than April 21, 2013.

9. Are former employees included in the Class Action?

Yes. Former Paramedics and EMTs who worked for NDP after August 15, 2005 are Class Members in the Class Action unless they ask to be excluded.

10. Are current employees included in the Class Action?

Yes. Current paramedics and EMTs who are working for NDP are Class Members in the Class Action unless they ask to be excluded.

11. What if I am still unsure about whether to participate?

If you are still not sure about whether you are, or want to be included, you can get free help by calling the lawyers in this case, at the phone number or address listed in question 17 below.

YOUR RIGHTS AND OPTIONS

You have **two** important decisions to make now. You must decide whether to join the Collective Action (federal) part of the case. You must also decide whether to exclude yourself from the Class Action (state) part of the case.

12. How do I join the Collective Action?

To become part of the Collective Action part of the case, you must fill out and mail, email, or fax the “Consent to Sue” form enclosed with this Notice to Class Counsel no later than April 21, 2013.

Getman & Sweeney, PLLC
9 Paradies Lane, New Paltz, NY 12561
845-255-9370
Fax 866-543-9619
Email: kweiss@getmansweeney.com

13. How do I ask the Court to exclude me from the Class Action?

To be excluded from the Class Action, you must send a letter to the Plaintiffs’ lawyers stating your name and that you wish to opt-out of the Class Action. You must send the letter (either by mail, email, or fax) to the Plaintiffs’ lawyers no later than April 21, 2013. You may mail your “Opt Out” letter to:

Getman & Sweeney, PLLC
9 Paradies Lane
New Paltz, NY 12561
845-255-9370
Fax 866-543-9619
Email: kweiss@getmansweeney.com

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

The Court has decided that Dan Getman and Matthew Dunn, lawyers at Getman & Sweeney, PLLC, are qualified to represent you and other NDP paramedics and EMTs in the Class Action and Collective Action. This law firm is referred to as “Class Counsel.” They are experienced in handling similar cases against other employers. More information about this law firm, their practice, and their experience is available at www.getmansweeney.com.

15. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to hire that lawyer to appear on your behalf, at your own expense.

16. How will the lawyers be paid?

Class Counsel are being paid on a contingency fee basis, which means that if there is no recovery to the Plaintiffs, there will be no attorney's fees. If there is a recovery, Class Counsel may receive a part of any settlement obtained in an amount that the Court determines to be fair. Under the state and federal laws at issue in this case, the Defendants are required to pay reasonable attorneys' fees and costs if Plaintiffs are successful.

17. How do I contact the lawyers representing the Class in this case?

You may contact Dan Getman (dgetman@getmansweeney.com), Matthew Dunn (mdunn@getmansweeney.com), or paralegal Kathy Weiss (kweiss@getmansweeney.com) at Getman & Sweeney, PLLC, 9 Paradies Lane, New Paltz, NY 12561, (845) 255-9370, if you have any questions about the case and the procedures discussed in this Notice.

HOW WILL THE CASE BE DECIDED?

18. How and when will the Court decide who is right?

If the case isn't resolved by a settlement, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial date has not yet been set. Prior to trial, there will be a "discovery" phase during which both sides will exchange information.

Judge Cathy Seibel is overseeing this lawsuit. If the case goes to a trial, Judge Seibel will hear all of the evidence and reach a decision about whether the Plaintiffs or the Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that any NDP paramedics and EMTs will get any money or benefits from the Class Action or Collective Action.

19. Will I have to come to the trial?

Most cases do not go to trial, but some do. If this case does go to trial, you may need to attend the trial. At trial, Class Counsel will present the case for the Plaintiffs, and the Defendants will present the defenses. Some of the NDP paramedics and EMTs who file Consents to Sue in the Collective Action may be required to come to the Collective Action trial. Prior to trial, those paramedics and EMTs may also have to respond to written questions, produce documents or testify at a deposition.

20. Will I get money after the trial?

There is no certainty that the Plaintiffs will win this case. But, if you join the collective action or do not exclude yourself from the class action, and the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to claim your share of a judgment.

DATE: February 20, 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JUNE MURPHY, individually and behalf
of all other similarly situated persons,
Plaintiffs, **Consent to Sue**
-against-
NORTHERN DUTCHESS PARAMEDICS, INC., 11-Civ-5661 (CS)
and EDWARD B. MURRAY,
Defendants.
-----X

CONSENT TO SUE

I was employed as an EMT or Paramedic by Northern Dutchess Paramedics, Inc. at some point between September 19, 2008 and the present. I hereby consent to sue Defendants in this Fair Labor Standards Act case. I consent to representation by the named Plaintiffs and the bringing of any claims I may have under the Fair Labor Standards Act (for unpaid overtime, liquidated damages, attorney's fees, costs and other relief) against the Defendant in this action. I authorize Getman & Sweeney, PLLC and its successors and assigns, to represent me in this case. By signing and returning this consent to sue, I understand that, if accepted for representation, I will be represented by the law firm without prepayment of costs or attorneys' fees. I understand that if plaintiffs are successful, costs expended by the plaintiffs' attorneys on my behalf will be deducted pro rata from my settlement or judgment first. I understand that the law firm may petition the court for an award of fees and costs to be paid by defendants on my behalf. I understand that the fees retained by the plaintiffs' attorneys will be either the amount of fees received from the Defendant or 1/3 of my settlement or judgment amount, whichever is greater, subject to review and approval by the Court. I understand that if the case is not successful, I will not be obligated to pay any fees or costs.

Dated: _____

Signature: _____

Name (printed): _____

Name exactly as it appears on company pay statements (if different) _____

Address: _____

Phone: _____ Cell Phone: _____

Email : _____

Send this completed form to Getman & Sweeney, PLLC, at the following address: Getman Sweeney, 9 Paradies Lane, New Paltz, NY 12561 or fax it toll free to: 866-543-9619. This Consent to Sue is not valid and effective until you have received a receipt from Getman & Sweeney indicating that it has been filed. If you have not received a receipt within 3 weeks from your transmission of the form to us, you must contact the firm by phone at 845-255-9370.