
NOTICE OF COLLECTIVE ACTION LAWSUIT

TO: All current and former hourly, non-exempt employees employed by Defendants as Registered Nurses (“RNs”) and as Psych Techs at the Baptist Behavioral Health Center at any time from September 26, 2019 until resolution of this action (the “Collective”).

RE: The right of current and former hourly-paid patient care staff for Baptist Hospitals of Southeast Texas to join a Federal Fair Labor Standards Act (“FLSA”) lawsuit seeking alleged unpaid overtime wages.

DEADLINE TO RETURN FORM: DECEMBER 9, 2022

***** THIS IS NOT AN ADVERTISEMENT FROM A LAWYER***
PLEASE READ THIS NOTICE CAREFULLY.
THIS NOTICE COULD AFFECT YOUR LEGAL RIGHTS.**

1. INTRODUCTION

The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which the Court has preliminarily determined that you are “similarly situated” to the named Plaintiffs, to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for participating in this suit, should you choose to do so.

YOU HAVE NOT ASSERTED YOUR FEDERAL OVERTIME CLAIM(S) UNTIL YOU RETURN THE “OPT-IN CONSENT FORM” PROVIDED WITH THIS NOTICE TO THE CLAIMS ADMINISTRATOR LISTED BELOW.

2. DESCRIPTION OF THE LAWSUIT

This lawsuit is brought on behalf of current and former hourly, non-exempt Registered Nurses and Psych Techs of the Behavioral Health Center at Baptist Hospitals of Southeast Texas (“BHSET”) who were employed by BHSET during the time period of September 26, 2019 through the present. This lawsuit was filed against BHSET, on March 4, 2020 in the United States District Court for the Eastern District of Texas.

The Plaintiff in this lawsuit alleges, among other things, that BHSET’s current and former, hourly, non-exempt patient care staff failed to receive payment for all hours worked, including: for time spent working before and after scheduled shifts, for time lost due to BHSET’s policy of rounding clock-in and clock-out times to the nearest 15-minute increment, and for time spent while on-duty or while subject to interruption during unpaid meal breaks.

BHSET denies Plaintiffs’ allegations in this lawsuit and asserts several defenses. BHSET also maintains that it has properly calculated and paid wages and overtime wages to the non-exempt employees at the Behavioral Health Center and its other healthcare locations.

Plaintiff seeks to recover payment for all hours worked, including payment for unpaid overtime wages, interest thereon, and liquidated damages, reasonable attorneys' fees, and litigation costs on behalf of herself and all similarly situated workers.

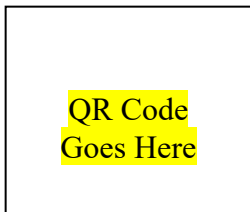
The Court has authorized notice of this lawsuit be sent to all hourly, non-exempt Registered Nurses and Psych Techs who worked at the Behavioral Health Center during the time period of September 26, 2019, through the present.

3. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

You may join, or “opt in” to, this lawsuit by submitting your “Opt-in Consent Form to the Claims Administrator by: (1) visiting the following website www.ilymgroup.com/BaptistHospitals and submitting your completed “Opt-In Consent Form” electronically, (2) emailing your completed “Opt-In Consent Form” to claims@ilymgroup.com, or (3) mailing your completed “Opt-In Consent Form” to the ILYM Group, Inc. at the following address:

BAPTIST HOSPITALS FLSA LITIGATION
c/o ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781

You may also visit the website and join the action on your smartphone by following this QR code:



The Consent Form **MUST** be received in sufficient time for Plaintiff’s Counsel to file it with the Court on or before December 9, 2022.

You are not required to join or “opt in” to this lawsuit, but if you wish to do so, this form must be returned to the Claims Administrator in sufficient time for it to be filed with the court on or before December 9, 2022. If you fail to return the “Opt-In Consent Form” to the Claims Administrator in time for it to be filed with the federal court by these deadline dates, you may not be able to participate in this lawsuit.

4. EFFECT OF JOINING THIS LAWSUIT

If you choose to join this suit, you will be bound by the judgment or settlement, whether it is favorable or unfavorable as to claims made in this action under the FLSA. If the Court or jury rules in favor of the BHSET, you will not be entitled to any relief under the FLSA if you join this action. By joining this lawsuit, you may designate the Named Plaintiffs and their attorneys as your agents to make decisions on your behalf concerning the litigation. If you desire, however, you also may retain a different lawyer to represent you and have that lawyer enter an appearance in this lawsuit on your behalf, or you may choose not to retain a lawyer and represent yourself in this action within the applicable statute of limitations period.

****PLEASE NOTE****

There is a two (2) year deadline for filing overtime claims or three (3) years if the violation is determined to be willful. This deadline continues to run until you “opt-in” to this conditionally certified

Collective Action. If you wish to participate in this Collective Action, return your “Opt-in Consent Form” as soon as possible, *i.e.*, no later than **December 9, 2022**, so that your rights may be preserved.

5. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT

If you choose not to join this suit, you will not be affected by any judgment or settlement of the FLSA claims rendered in this case, whether favorable or unfavorable. If you choose not to join in this lawsuit, you are free to file your own lawsuit.

6. NO OPINION EXPRESSED AS TO THE MERITS OF THE CASE

This Notice is for the sole purpose of determining the identity of those persons who wish to join and participate in this lawsuit. Although the United States District Court for the Eastern District of Texas has authorized the sending of this Notice, the Court expresses no opinion regarding the merits of Plaintiff’s claims or BHSET’s defenses.

7. NO RETALIATION PERMITTED

Federal law prohibits BHSET from discharging or in any other manner discriminating or retaliating against you because you have exercised your rights under the FLSA to join, or not to join, this action.

8. LEGAL COUNSEL

The Attorneys representing Plaintiffs, and the patient care workers who join this case, are as follows. You can get more information by calling or emailing Plaintiff’s attorneys:

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9. WHERE CAN I GET MORE INFORMATION?

If you have questions about this Notice, or if you did not receive this Notice and you believe that you are or may be one of the workers affected, you should contact Plaintiff’s Counsel.

This Notice and the Opt-In Form can also be viewed at www.ilymgroup.com/BaptistHospitals.

PLEASE DO NOT CONTACT THE COURT, THE CLERK OF THE COURT, OR THE JUDGE FOR INFORMATION ABOUT THE LAWSUIT. THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE COURT, BUT THE COURT HAS MADE NO DECISION IN THIS CASE ABOUT THE MERITS OF PLAINTIFF’S CLAIMS OR BHSET’S DEFENSES.