

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**If you are or were an hourly caregiver employee of the Fisher Early Learning Center at the University of Denver (also known as the “Colorado Seminary”) between August 29, 2014 and the present, please read this notice. A collective action lawsuit may affect your rights.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

**1. What is this lawsuit about, and why did I get this notice?**

Current and former hourly caregiver employees of the Fisher Early Learning Center at the University of Denver (also known as the “Colorado Seminary”) have sued the Fisher Early Learning Center (“FELC”) in a collective action, claiming that FELC violated the Fair Labor Standards Act by failing to pay overtime wages and/or wages for work-related duties which occurred outside of scheduled shift hours, and/or during lunch and other breaks. The Honorable Chief Judge Marcia S. Krieger and the Honorable Magistrate Judge Kathleen M. Tafoya of the United States District Court for the District of Colorado are overseeing this lawsuit, which is called *Johnson, et al., v. Colorado Seminary aka University of Denver dba Fisher Early Learning Center*, Case No. 17-cv-02074-MSK-KMT.

FELC’s records show that you currently work for or previously worked for FELC as an hourly employee in Colorado at the Denver, Colorado FELC facility between August 29, 2014 and the present. The Court has authorized mailing of this notice because you may have legal rights and options that you may exercise in this case.

**2. What is a collective action and who is involved?**

In a collective action lawsuit, one or more people sue on behalf of himself, herself, or themselves and others who have similar claims. The current and former hourly employees who have sued – and all those who return the attached Consent to Join form – are called the Plaintiffs. The Colorado Seminary, also known as the University of Denver, doing business as the Fisher Early Learning Center is called the Defendant. One court resolves the issues for everyone who joins the case.

**3. Why is this lawsuit a collective action?**

The Plaintiffs allege that they and other current and former employees have similar claims against FELC which allegedly failed to pay overtime wages and/or wages for work-related duties which occurred outside of scheduled shift hours and/or during lunch or other breaks.

#### **4. What is FELC's position?**

FELC denies that it has failed to pay hourly employees overtime wages and/or wages for work-related duties which occurred outside of scheduled shift hours, and/or during lunch or other breaks.

#### **5. Has the Court decided who is right?**

The Court has not decided whether FELC or the Plaintiffs are correct. By authorizing this notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

#### **6. What are the Plaintiffs seeking to recover?**

The Plaintiffs are seeking to recover allegedly unpaid overtime wages and/or wages for work-related duties which occurred outside of scheduled shift hours, and/or during lunch or other breaks, liquidated damages (which double the amount of any recovery), interest, costs, and attorney fees from FELC.

#### **7. Can I join this lawsuit?**

You have been identified as a current or former employee of the Defendant, and thus, you are potentially eligible to join this lawsuit. If you believe you were not fully reimbursed for overtime and/or work-related duties which occurred outside of scheduled shift hours, and/or during lunch or other breaks by FELC, you may elect to join the lawsuit and assert your claim against FELC.

#### **8. What happens if I join the lawsuit?**

If you join this lawsuit,

- You have the right to choose to retain your own lawyer to represent you, you may choose to represent yourself, or you may request to have the lawyers that commenced this action, The Sawaya & Miller Law Firm and Towards Justice, a Colorado non-profit legal organization, represent you;
- You may also be asked to provide information to counsel for the parties, sit for depositions, and/or testify in court;
- You may participate in litigation personally or through a representative:

If you participate personally, you will make decisions on your own behalf concerning what claims and arguments should be presented and how, whether to accept any settlement offer or proceed to trial, and any other matters pertaining to this lawsuit;

Alternatively, you may choose to participate through a representative. You may designate the named Plaintiff(s), Erin Johnson and/or Jocelyn Klein, to make decisions on your behalf as to what claims and arguments should be presented and how, whether to accept any settlement offer or to proceed to trial, and any other matters pertaining to this lawsuit. If you choose to proceed in this manner, you will be bound by the decisions Ms. Johnson and/or Ms. Jocelyn Klein make(s) on your behalf.

- You may be entitled to share in any monetary settlement that is reached by the parties or in any verdict that is awarded by the Court that includes you; and
- You will be bound by any ruling, settlement or judgment, whether favorable or unfavorable, on the federal claims asserted.

#### **9. What happens if I do not join the lawsuit?**

If you choose not to join this lawsuit,

- You will not be directly affected by any ruling, judgment or settlement rendered on the federal claims asserted in this case, whether favorable or unfavorable;
- You will not be entitled to share any amounts recovered by Plaintiffs as part of this lawsuit; and
- You will be free to file your own individual lawsuit, subject to any defenses that might be asserted, through an attorney of your own choosing or without the assistance of an attorney.

However, you should be aware that Fair Labor Standards Act claims are limited to a two or three year statute of limitations, and delay in joining this case or proceeding in a separate lawsuit may result in some or all of your claims expiring as a matter of law.

#### **10. How do I ask to join the case?**

If you wish to join the case and assert your claim, you must complete the enclosed “Consent to Join” form and return it by one of the methods below.

By Mail:

Johnson *et al.* v. Colorado Seminary, a/k/a University of Denver, d/b/a “Fisher  
Early Learning Center  
Attn: Sawaya & Miller Law Firm  
1600 Ogden Street

Denver, CO 80218

By Fax: (720) 235-4380

By Email: consent@sawayalaw.com

The signed Consent to Join form must be submitted to the Sawaya & Miller Law Firm by **April 26, 2018**. Consent to Join Forms, which are submitted after the above-referenced deadline will not be included in this action.

**11. Do I have a lawyer in this case?**

If you choose to join this lawsuit, you may retain your own lawyer to represent you, you may choose to represent yourself, or you may request to be represented by the law firm that commenced the case: the Sawaya & Miller Law Firm and Towards Justice

**Sawaya & Miller Law Firm**

Attorneys David H. Miller and Adam M. Harrison

1600 Ogden Street

Denver, CO 80218

Phone: 1- (866) 841-1612 (Toll Free)

(303) 551-7676 (Direct)

Fax: (720) 235-4380

Email: consent@sawayalaw.com

If you choose to be represented by a lawyer, either one retained by you or by Sawaya & Miller and Towards Justice, you may be required to enter into an agreement that defines the scope of the representation the lawyer(s) will provide, your responsibility for costs and fees, if any, and other details. Please contact the lawyer(s) you wish to retain for more information on these matters.

**12. Are there more details available?**

If you have any questions or require additional information about this lawsuit, you may contact the attorneys at Sawaya Law Firm or a lawyer of your choosing.

**PLEASE DO NOT CONTACT THE COURT CLERK REGARDING THIS MATTER**

**13. Retaliation Prohibited.**

Federal law prohibits retaliation against you in any way if you choose to participate in this case. You may be entitled to additional damages should a court determine that any adverse action was taken against you for joining this lawsuit.