

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

STEVEN R. BISHOP, RANDY D. CHEATUM,  
TYLER JURGENSMEYER, JOHN A. KUZEMKA,  
SHAWN MCGAUGHEY and JASON STULTZ,  
Individually, and on behalf of other similarly situated  
persons,

Plaintiffs,

v.

HEARTLAND SERVICES, INC.

Defendant.

Cause of Action No: 06-2323-CM

**NOTICE**

Date

**FROM:** Barry R. Grissom, plaintiffs' attorney for the above captioned matter.

**TO:** All persons who are present or former employees of Heartland Services, Inc., who worked as a Laptop Repair Technician, or Board Repair Technician, and have been paid under the Employment Compensation Agreement at any time from [three years prior to approval] to present.

**RE: Fair Labor Standards Act lawsuit against Heartland Services, Inc.**

**(1) INTRODUCTION.** The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which you may be a member of the plaintiff class, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedures for participating in this lawsuit if you so desire.

**(2) DESCRIPTION OF THE LAWSUIT.** On August 2, 2006, plaintiffs, Steven Bishop, Randy Cheatum, Tyler Jurgensmeyer, John Kuzemka, Shawn McGaughey and Jason Stultz, brought this action against Heartland Services, Inc. captioned *Steven R. Bishop, Randy D. Cheatum, Tyler Jurgensmeyer, John A. Kuzemka, Shawn McGaughey and Jason Stultz, Individually, and on Behalf of Other Similarly Situated Persons v. Heartland Services, Inc.*, Cause of Action No: 06-2323-CM in the Federal District Court for the District of Kansas,

alleging that they and other similarly situated employees of Heartland Services, Inc. employed as Laptop Repair Technician, or Board Repair Technician, failed to receive overtime pay for all hours worked beyond 40 hours per work week. Plaintiffs seek a determination that the defendant violated the Fair Labor Standards Act by failing to provide overtime pay to plaintiffs and all others similarly situated, liquidated damages, an order enjoining and restraining defendant from violating provisions of the Fair Labor Standards Act, attorney's fees, costs and interest and such other and further relief as the Court believes to be appropriate. Steven Bishop, Randy Cheatum, Tyler Jurgensmeyer, John Kuzemka, Shawn McGaughey and Jason Stultz have consented to act as representatives of this potential class.

Defendant Heartland Services, Inc. denies that there were any violations of the Fair Labor Standards Act, denies that anyone was improperly paid, and denies that any person working as a Laptop Repair Technician, or Board Repair Technician is entitled to any additional compensation or other relief.

**(3) WHO MAY BE INCLUDED IN THIS LAWSUIT.** The named plaintiffs seek to sue on behalf of themselves and also on behalf of all employees who are similarly situated. Specifically, plaintiffs seeks to sue on behalf of all present and past employees who are/were employed by defendant in the capacity of a Laptop Repair Technician, or Board Repair Technician, from [three years prior to approval] to present.

**(4) YOUR RIGHT TO JOIN OR NOT JOIN IN THIS SUIT.** If you fit in the above definition, you may join in this suit (that is you may "opt-in"). You are not required to join this lawsuit.

If you choose to join this lawsuit, you must file a "Consent to Join" form which is enclosed with this Notice. You must read, complete and sign the Consent to Join form and mail that form to counsel for the plaintiffs, Barry R. Grissom, 7270 W. 98<sup>th</sup> Terrace, Suite 220, Overland Park, Kansas 66212. The Consent to Join form must be postmarked no later than [45 days after Notice mailed] or you will not be able to join in this lawsuit.

Even if you file a Consent to Join form, your eligibility to participate in the suit *may be* affected, however, by a determination of your status as an “exempt” verses a “non-exempt” employee. If you file a “Consent to Join” your continued right to participate in this suit may depend upon a later decision by the District Court. In addition, your continued right to participate may depend upon a later decision that you and the plaintiff are “similarly situated,” in accordance with federal law.

**(5) EFFECTS OF JOINING THIS SUIT.** If you choose to join this suit, you will be bound

by any ruling, settlement or judgment, whether it is favorable or unfavorable. The right to recovery for any plaintiff is not guaranteed or certain. While the suit is proceeding you may be required to provide information, testify in a deposition and testify in court. By joining this lawsuit, you designate the class representatives named above as your agent to make all decisions concerning the lawsuit, and all decisions and agreements made by the class representatives will be binding on you if you choose to join the lawsuit. You will not be required to pay attorney’s fees directly. The plaintiffs’ attorney may receive a part of any money judgment entered in favor of the class as a fee.

**(6) NO LEGAL EFFECT IN NOT JOINING THIS SUIT.** If you choose not to join this suit, you will not be effected by any rulings, settlement or judgment, favorable or unfavorable. If you choose not to join this suit, you are free to file your own lawsuit.

**(7) YOUR LEGAL REPRESENTATION IF YOU JOIN.** If you join this lawsuit your interests will be represented by the named plaintiffs thorough their attorney, as counsel for the class. The counsel for the class is: Barry R. Grissom, 7270 W. 98th Terrace, Building 7, Suite 220, Overland Park, KS 66212, (913) 341-6616, (913) 341-4780-Fax, bgrissom@sprintmail.com.

**(8) FURTHER INFORMATION.** Further information about this lawsuit, the deadline for filing a “Consent to Join”, and the availability of “Consent to Join” forms may be

obtained by contacting Barry R. Grissom, 7270 W. 98th Terrace, Building 7, Suite 220,  
Overland Park, KS 66212, (913) 341-6616, (913) 341-4780-Fax, bgrissom@sprintmail.com.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, HON. CARLOS MURGUIA, DISTRICT JUDGE. THE COURT HAS NO POSITION REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR DEFENDANT'S DEFENSES.**

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**CONSENT TO JOIN**

TO: CLERK OF THE COURT AND TO EACH PARTY AND COUNSEL OF RECORD:

I make the following declaration pursuant to 28 U.S.C. § 1746 under penalty of perjury as an accurate, truthful and correct statement to the best of my information, knowledge and belief.

\_\_\_\_\_, states the following:  
Print Name

1. I reside at \_\_\_\_\_ and my telephone number is \_\_\_\_\_.  
\_\_\_\_\_.
2. I am/was employed with Heartland Services, Inc. in the capacity of Laptop Repair Technician, or Board Repair Technician, from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_ (if you are still presently employed state "present").
3. I understand this suit is being brought under the Fair Labor Standards Act. I have read and I understand the Notice accompanying this Consent to Join form. As a present/former employee of Heartland Services, Inc. I hereby consent, agree and opt-in to become a plaintiff in this lawsuit and I agree to be bound by any decision of the Court or settlement of this lawsuit.

\_\_\_\_\_

\_\_\_\_\_

Signature

Date