

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KARIE KENNEDY, on behalf of herself )  
and all others similarly situated, )  
 )  
Plaintiff(s), )  
 )  
vs. )  
 )  
BOULEVARD BANK, )  
 )  
Defendant(s). )

Case No. 4:12CV40 JCH

**NOTICE OF YOUR RIGHT TO OPT-IN TO LAWSUIT AGAINST  
BOULEVARD BANK**

**TO: All Current And Former Boulevard Bank Residential Real Estate Mortgage Loan Officers Who Were Employed In This Position From [Insert Date Three Years prior to Date Notice is to be issued] To The Present.**

**RE: Fair Labor Standards Act Lawsuit Filed Against Boulevard Bank**

**NOTICE: To opt-in this lawsuit, you must actually sign the attached consent form and return it to Plaintiff’s counsel.**

**INTRODUCTION**

The purpose of this Notice is (1) to inform you of a collective action lawsuit, (2) to advise you of how your rights may be affected by this lawsuit, and (3) to instruct you on the procedure for joining this lawsuit should you choose to do so.

**DESCRIPTION OF THE LAWSUIT**

A lawsuit has been filed against Boulevard Bank (hereinafter “Boulevard”) by Karie Kennedy on behalf of herself and all other current and former residential real estate mortgage loan officers who have performed work for Boulevard in the past three (3) years before this notice was issued, and who did not receive overtime compensation for hours worked in excess of forty (40) in a single workweek and/or minimum wage compensation in a particular workweek.

Boulevard denies that it violated the Fair Labor Standards Act (“FLSA”) or any other applicable laws, or that any wages are owed. Boulevard further asserts that persons employed as residential real estate mortgage loan officers are exempt from the overtime and minimum wage requirements of the FLSA.



## **WHOM DOES THIS LAWSUIT AFFECT?**

You are eligible to opt-into this case if you meet the following requirements:

- (a) You were employed or performed duties as a residential real estate mortgage loan officer at any time since September 5, 2009 to the present; and
- (b) While employed or performing duties as a residential real estate mortgage loan officer, you did not receive overtime compensation for hours worked in excess of forty (40) in a single work week within the last three years, and/or your total compensation for any work week within the last three years, when divided by the total number of hours you worked during that week, did not meet or exceed the minimum wage.

## **NO OPINION EXPRESSED AS TO MERITS OF THE CASE**

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in the claim for violations of the FLSA. The United States District Court for the Eastern District of Missouri expresses no opinion regarding the merits of the claims made by Karie Kennedy, or the defenses of Boulevard. There is no assurance at this time that any relief will be granted nor, if granted, the nature and amount of relief.

## **HOW TO PARTICIPATE IN THIS LAWSUIT**

Enclosed you will find a form entitled “Plaintiff Consent Form”. **You must file a Consent Form to join this lawsuit as a party plaintiff.**

If you choose to join this lawsuit, you will be bound by the judgment or any settlement of this action. While the lawsuit is pending, you may be required to assist Plaintiff’s counsel in this matter. If you choose to join this suit, you may be required to respond to written requests for information and documents, and to appear for depositions, hearings or trial. If you complete the enclosed Consent Form, you will be designating Plaintiff and her attorneys to act on your behalf and to represent your interests.

You may choose to join this action by mailing, faxing, or emailing the attached Consent Form to the address, fax number or email address listed below for filing with the Court. Your Consent Form must be received by Plaintiff’s counsel on or before **November 5, 2012** for you to participate in this case. Mail, fax, or email the Consent Form to:

**Boulevard Bank Wage and Hour Litigation**  
**c/o Law Offices of Kevin J. Dolley, LLC**  
**34 N. Brentwood Blvd., Suite 207**  
**St. Louis, Missouri 63105**  
**Fax: (314) 647-4300**  
**Email: [kevin@dolleylaw.com](mailto:kevin@dolleylaw.com)**

A self-addressed, stamped envelope is enclosed for your convenience.

**STATUTE OF LIMITATIONS**

The FLSA has a maximum statute of limitations of three (3) years. If you choose to join this action, you may be able to recover damages if, within the three (3) years preceding the date your Consent Form is filed, Boulevard failed to provide you overtime or other just compensation for hours worked in excess of forty (40) in any single workweek and/or minimum wage compensation. If you choose not to join this action or file your own action, some or all of your potential claims may be barred by the applicable statute of limitations.

**NO RETALIATION PERMITTED**

The law prohibits retaliation against employees for exercising their rights under the FLSA. It is in complete violation of the law and public policy for an employer to terminate an employee for exercising their rights under the FLSA. Thus, Boulevard is prohibited from terminating you or retaliating against you in any manner because you choose to participate.

**YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join this case by filing a Consent Form, your interests will be represented by Plaintiff's attorneys:

Kevin J. Dolley  
LAW OFFICES OF KEVIN J. DOLLEY, LLC  
34 N. Brentwood Blvd., Ste. 207  
St. Louis, MO 63105  
Telephone: (314) 645-4100  
Fax: (314) 647-4300  
kevin@dolleylaw.com  
[www.dolleylaw.com](http://www.dolleylaw.com)

Plaintiff's attorneys have taken this case on a contingency basis. They may be entitled to receive attorneys' fees and costs from Boulevard should there be a recovery or judgment in favor of Plaintiff(s). If there is a recovery, Plaintiffs' attorneys will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' attorneys will not seek any attorney's fees or costs from any of the Plaintiffs.

**SEE ATTACHED PLAINTIFF CONSENT FORM**