

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

JASON L. PERRY & SHAUN J. BELL,)	
)	
as representatives of a class)	
of similarly situated persons,)	Case No.: 1022-CC11954
)	
Plaintiffs,)	Division No. 1
)	
v.)	
)	JURY TRIAL REQUESTED
TPS COMMUNICATIONS et al.,)	
)	
Defendants.)	

**NOTICE OF YOUR RIGHT TO OPT IN TO LAWSUIT AGAINST
TPS COMMUNICATIONS & ROBERT LOCKLEAR**

TO: All Present and Former Tower Techs, Tower Hands, and Other Employees Who Worked in Full-Time Capacity Positions Performing Telecommunications and Construction Work for TPS COMMUNICATIONS Located in High Ridge, Missouri during the last three years.

RE: Fair Labor Standards Act Lawsuit Filed Against TPS COMMUNICATIONS and ROBERT LOCKLEAR.

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

On December 8, 2010, a lawsuit was filed against TPS Communications and President Robert Locklear (hereinafter collectively referred to as “TPS”) by Jason L. Perry & Shaun J. Bell on behalf of themselves and all other employees who have worked as tower techs, tower hands, and full-time capacity positions performing telecommunications and construction work at TPS Communications’ headquarters located in High Ridge, Missouri. The Plaintiffs allege that these tower techs, tower hands, and full-time capacity position employees were required by TPS Communications to perform telecommunications and construction work, including climbing towers and other tall structures to perform construction, repair, and maintenance in excess of forty (40) hours per week. TPS Communications failed to pay wages and overtime compensation to its employees for work performed in violation of Missouri state laws and the Fair Labor Standards ACT (“FLSA”).

WHO DOES THIS LAWSUIT AFFECT?

The Plaintiffs performed jobs as tower techs, tower hands, and full-time capacity position employees performing telecommunications and construction work at TPS's office location(s) located in High Ridge, Missouri. They seek to sue on behalf of themselves and other individuals similarly situated. Specifically, they seek to sue on behalf of any individuals who meet the following requirements:

- (a) Performed duties as tower techs, tower hands, and full-time capacity positions performing telecommunications and construction work for the company at any time since December 8, 2007 to the present;
and
- (b) Performed work required by TPS including climbing towers and other tall structures to perform construction, repair, and maintenance, in excess of forty (40) hours per week without receiving compensation during various pay periods or overtime compensation. Plaintiffs contend that such duties must be compensated under the FLSA.

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 violation of the FLSA. The Circuit Court of the City of St. Louis, Missouri expresses no opinion regarding the merits of the claims made by Jason L. Perry, or Shaun J. Bell or the defenses of TPS. There is no assurance at this time that any relief will be granted nor, if granted, the nature and amount of relief.

HOW AND WHEN TO JOIN THE LAWSUIT

If you fit the definition above, 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 Plaintiffs' counsel on or before December 29, 2011 for you to participate in this case. Mail, fax or email the Consent Form to:

TPS 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

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

FURTHER INFORMATION

If you want further information about this lawsuit, you may call Plaintiffs' attorney Kevin J. Dolley at (314) 645-4100.

EFFECT OF JOINING THIS LAWSUIT

If you join this lawsuit, you and TPS, and Robert Locklear will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable.

If you file a Consent Form, your continued right to participate in this lawsuit will depend upon a later decision by the Court that you, Jason L. Perry and Shaun J. Bell are "similarly situated" in accordance with applicable laws, and that it is appropriate for this case to proceed as a collective action. If you choose to join this lawsuit, you may be required to respond to written requests for information and documents, and appear for depositions, hearings or trial.

EFFECT OF NOT JOINING THIS LAWSUIT

If you do *not* join this lawsuit, you will not be bound by any ruling, judgment, award, or settlement entered in this case, favorable or unfavorable. If you choose not to join this action, you are free to take action on your own or to do nothing at all.

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 unpaid wages if you performed telecommunications and construction work such as climbing towers and other tall structures to perform construction, repair, and maintenance work in excess of forty (40) hours per week without receiving compensation for hours worked and overtime for hours worked within three (3) years of the date your Consent Form is filed. 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. Therefore, TPS 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 Plaintiffs' attorney:

Kevin J. Dolley

LAW OFFICES OF KEVIN J. DOLLEY, LLC
34 North Brentwood Blvd., Suite 207
St. Louis, MO 63105
Telephone: (314) 645-4100
Fax: (314) 647-4300

Plaintiffs' attorney has taken this case on a contingency basis. They may be entitled to receive attorneys' fees and costs from TPS and/or Robert Locklear should there be a recovery or judgment in favor of Jason L. Perry and Shaun J. Bell. If there is a recovery, Plaintiffs' attorney 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' attorney will not seek any attorneys' fees or costs from any of the Plaintiffs.

SEE ATTACHED PLAINTIFF CONSENT FORM