

Notice of Collective Action and Opportunity to Join

THIS NOTICE MAY AFFECT YOUR RIGHTS – PLEASE READ CAREFULLY

To: Former Federal Bureau of Investigation (“FBI”) trainees who attended New Agent (“NA”) training at the FBI Academy in Quantico, VA between August 4, 2007 through March 12, 2011.

- The purpose of this notice is to inform former FBI trainees who attended NA training at the FBI Academy in Quantico, VA that a collective action lawsuit has been filed against the United States pursuant to the Fair Labor Standards Act in the United States Court of Federal Claims for overtime wages. As a former NA trainee you may be eligible to join the pending litigation because you are potentially similarly situated to Mr. Alton Langley, a former NA trainee who initiated the lawsuit. This notice seeks to inform potential plaintiffs of this law suit and how to join this litigation if they so desire.
- Mr. Langley brought this lawsuit on behalf of himself and other former trainees who were similarly situated. The Court has not decided whether the United States violated federal law. However, you may be able to join the case as a plaintiff suing the United States.
- Your options are explained in this notice. To be included in this lawsuit your “consent to sue” (sample attached) must be filed with the Court by January 6, 2012.

YOUR LEGAL RIGHTS AND OPTION IN THE COLLECTIVE ACTION (Brought under the Fair Labor Standards Act, 29 U.S.C. §§ 201-262)	
ASK TO BE INCLUDED	Join in this lawsuit. By signing a consent to sue, you join the collective action as a party and may receive money or benefits that could result from settlement or a trial. However, you give up the ability to sue the United States separately about the same or related claims asserted in this lawsuit.
DO NOTHING	Do not join the lawsuit. If you do nothing and money or benefits are later awarded, you will not be entitled to any portion of any award. However, you retain the ability to sue the United States separately about the same or related claims asserted in this lawsuit, to the extent otherwise permitted by law.

BASIC INFORMATION

1. Why did I get this notice?

The Government's records indicate that you participated in NA training at the FBI Academy in Quantico, VA between August 4, 2007 and March 12, 2011. Mr. Langley has brought this lawsuit against the United States on August 4, 2010 on behalf of all former FBI trainees who attended NA training at the FBI Academy in Quantico, Virginia during that time period. The Honorable Judge Bohdan Futey of the United States Court of Federal Claims is overseeing the lawsuit, which is entitled: Langley v. United States, Case No. 10-512.

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

This case is brought as a collective action under the Fair Labor Standards Act ("FLSA") by Mr. Langley for himself and those "similarly situated" to him who choose to join the case. You are not currently part of this collective action. To join this case as a plaintiff, your "consent to sue" form must be filed with the Court by January 6, 2012. If it is determined that an individual's claim is precluded by the applicable statute of limitations, a two-year or three-year time limit to bring Fair Labor Standards Act claims, or that an individual is not "similarly situated" to Mr. Langley, any such claims may be dismissed or severed from this action.

3. Why is this lawsuit a collective action?

The FLSA permits this kind of lawsuit to be filed as a "collective action," which permits one or more plaintiffs to start a lawsuit, and for other "similarly situated" plaintiffs to join the case to pursue their claims together. The parties have agreed that this Notice be sent to you as someone who is potentially similarly situated to Mr. Langley, so that you may decide whether or not to join the case.

THE CLAIMS IN THE LAWSUIT

1. What does the lawsuit complain about?

Mr. Langley claims that the United States violated the Fair Labor Standards Act by failing to appropriately compensate him when he worked in excess of forty hours a week while he participated in NA training at the FBI Academy in Quantico, Virginia. Mr. Langley claims that, although he was required to work more than forty hours a week during NA training, the FBI instructed him to record only forty hours of work per week. Mr. Langley claims that he is entitled to payment for time he worked over forty hours a week at time and a half. Mr. Langley is seeking back pay, liquidated damages and attorneys fees and costs. You can read Mr. Langley's complaint filed in this case at: www.erisa-claims.com.

2. Has the Court decided who is right?

The Court has not decided whether the United States violated federal law. Mr. Langley must prove the claims at a trial unless the case is settled. See "THE TRIAL" section, below.

3. What is Mr. Langley asking for?

Mr. Langley is asking for back wages at the rate of time and a half for NA training time he alleges he was required to put in excess of forty hours a week for which he was not paid. Mr. Langley is also seeking an equal amount of liquidated damages and asking the United States to pay for his legal fees and costs.

4. Am I a part of this collective action?

You are not currently a part of this collective action. In order to join this collective action your completed "consent to sue" (sample attached) must be filed with the Court by January 6, 2012. If the Court determines that your claims are precluded by the applicable "statute of limitations" a two or three year time limit to bring FLSA claims, or that you are not "similarly situated" to Mr. Langley, your claims may be dismissed or severed from this collective action.

5. Which current and former employees are included?

Former NA trainees who attended NA training at the FBI Academy in Quantico, Virginia between August 4, 2007 through March 12, 2011 may be eligible to join this collective action.

6. Will joining the lawsuit create problems in my employment relationship with the FBI?

Federal law prohibits the FBI or the United States from discriminating against you because of your decision to participate in this litigation or exercise your rights under the Fair Labor Standards Act.

7. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing to the lawyers representing Mr. Langley in this case as described on the last page of this notice. Please do not call the Court, the FBI or any Department of Justice attorneys for assistance.

YOUR RIGHTS AND OPTIONS

1. How do I join the collective action?

In order to join, or “opt in” to this collective action, you must sign a “Consent to Sue” form and file it with the Court by January 6, 2012. A sample “Consent to Sue” form is attached to this notice. You may send the completed “Consent to Sue” form to the Law Offices of Brian S. King, 336 South 300 East, Ste. 200, Salt Lake City, UT 84111, by December 30, 2011 to allow time for filing by the January 6, 2012 deadline. Returning the completed forms on time does not guarantee that you will be paid any particular amount of money.

2. What are the effects of joining this lawsuit?

By joining this collective action, you may receive money from the United States as a result of this lawsuit. If you join this collective action and you are entitled to additional money from the United States, either as a result of settlement or a trial, you will be notified. Keep in mind that if you join this collective action now, regardless of whether the plaintiffs win or lose, you will not be able to sue or continue to sue the United States as a part of any other lawsuit about the same claims that are the subject of this lawsuit.

If you decide to join this lawsuit, you will be bound by any orders or judgment rendered in this case, whether it is favorable or unfavorable. By agreeing to participate in this lawsuit, you may be required to provide information, sit for depositions, and testify at trial. By signing and returning the “Consent to Sue” form attached to this notice, you are agreeing to be bound by Mr. Langley’s decisions concerning this litigation, the method and manner of conducting this litigation, the fee agreement between Mr. Langley and his attorneys, and all other matters relating to this lawsuit.

3. What are the effects of not joining this lawsuit?

If you choose to not join this collective action, you do not need to take any affirmative steps. If you decide not to participate in this lawsuit, you will not get any money from this lawsuit even if the plaintiffs obtain it as a result of settlement or a trial. If you do not join this lawsuit, you will not be legally bound by the court’s orders and judgments in this collective action. You may be able to sue on your own, to the extent permitted by law. If you already have an identical or similar FLSA overtime suit against the United States, and want to continue it, you should not join this collective action. If you want to initiate your own individual lawsuit against the United States regarding these claims, you should not join this lawsuit. If you choose not to participate in this lawsuit, you should consider talking to a lawyer soon, because your claims may be subject to the statute of limitations.

YOUR LEGAL REPRESENTATION IF YOU JOIN

1. Do I need a lawyer in this case?

The Law Office of Brian S. King represents Mr. Langley in this collective action and offers that his law firm will represent all former NA trainees who join this collective action. More information about this law firm, its practices, and Mr. King's experience is available on the internet, www.erisa-claims.com, by writing to the address above, or by calling, toll-free, (866) 372-2322.

2. May I use my own lawyer?

If you wish, you may participate in this lawsuit by retaining the services of a lawyer of your own choosing. If you decide to participate in this suit through another attorney, your attorney must file a "Consent to Sue" form with the Court by January 6, 2012. The address of the court is: United States Court of Federal Claims, 717 Madison Place, N.W., Washington, D.C. 20005.

3. How will the lawyers be paid?

If the Law Office of Brian S. King obtains money for individuals who join this collective action, he may petition the Court for an award of attorney fees and costs to be paid by the United States on your behalf. The fees retained by the Mr. King will be either the amount received from the United States as ordered by the Court, or one-third of the settlement or judgment amount, whichever is greater.

If you choose to retain your own attorney to represent you in this matter, you will be responsible for any fee arrangement you agree to with your own lawyer.

THE TRIAL

The Court has not scheduled a trial to decide who is right in this case

1. How and when will the Court decide who is right?

If the case is not resolved by settlement or through other legal filings, the plaintiffs will be required to prove their claims at a trial. A trial date has not yet been set. During a trial, the Court would hear all of the evidence to help it reach a decision about whether the plaintiffs or the United States is right about the claims in the lawsuit. There is no guarantee that the former NA trainees will win, or that they will get any money.

2. Do I have to come to a trial?

If the case goes to trial, you may have to provide written or oral testimony about your claims. Mr. King will present the case for the former NA trainees and the United States will present its defense.

3. Will I get money after a trial?

If your consent to sue is filed with the Court by January 6, 2012, and you are entitled to receive money from the United States for your claims, you will be notified. We do not know how long this might take.

4. Are more details available?

Please do not call the Court, the FBI or any Department of Justice attorneys for assistance. Any question or requests for further information about this notice or lawsuit should be directed to the plaintiff's attorney, Brian S. King, by calling (866) 372-2322 or (801) 532-1739 or writing to:

Langley FBI Lawsuit
Law Office of Brian S. King
336 South 300 East, Ste. 200
Salt Lake City, UT 84111

Or e-mailing Mr. King at linda@briansking.com