

**NOTICE OF RIGHT UNDER FAIR LABOR STANDARDS ACT TO OPT-IN
OVERTIME CASE AGAINST TURNER OIL & GAS PROPERTIES, INC.**

Stanley, et al. v. Turner Oil & Gas Properties
Civil Action No. 2:16-CV-386
Southern District of Ohio

This is a Court Ordered Notice. It is not a solicitation from a lawyer.

We have been authorized by the United States District Court for the Southern District of Ohio to notify you, as a current or former Landman working for Turner Oil & Gas Properties, Inc. (“Turner”) that a lawsuit seeking overtime pay for Landmans has been brought and, by sending in the attached opt-in consent, you may join that lawsuit.

This notice applies to all Landmans who at any time worked for Turner in Ohio or Kentucky who were classified as independent contractors and who did not receive overtime pay. It applies to all Landmans so-classified even if they contracted with Turner through the Landman’s own corporation or LLC. It also applies even if you did not work over 40 hours every week.

The Court’s authorization to send this Notice does not reflect a judgment by a Court about whether any current or former Landman is entitled to overtime. Sending a Notice is separate from a determination on entitlement to overtime, and only informs you of your right under the Fair Labor Standards Act to participate in the case.

To best preserve your rights if you worked more than 40 hours per week for Turner and were not paid overtime, you must take immediate action: You must sign and return the opt-in consent found on the last page of this Notice by Tuesday, April 18, 2017.

The opt-in consent must be returned to:

Tricia Hickman
MARSHALL AND MORROW LLC
250 Civic Center Dr., Suite 480
Columbus, Ohio 43215-5296
Phone: (614) 463-9790
Fax: (614) 463-9780
Email: thickman@marshallandmorrow.com

This Notice is given to you in the belief that you worked as a Landman for Turner and worked more than 40 hours per week, were paid a day rate and did not receive overtime pay. Your right to overtime pay may be affected by this lawsuit. Please read this Notice carefully to determine if your rights are affected.

This Notice explains:

- A. What is a Collective Action?
- B. The Lawsuit.
- C. Your Right to Opt-in.
- D. Your Protection from Retaliation.
- E. Attorneys' Fees and Expenses.
- F. Additional Information?

A. What is a Collective Action?

The Fair Labor Standards Act (FLSA) protects, subject to exceptions discussed below, the right of employees to be paid overtime when they work more than 40 hours in one week. A worker may bring a "collective action" on his or her own behalf and on behalf of similarly situated employees. The workers who bring a lawsuit are called plaintiffs, and those they sue are called defendants.

Six former Landmans, Jonathan Stanley, Mary Elliot, Mark Ramach, Sean Barber, Joshua Foote, and Jason Wiemann, are the plaintiffs who have sued Turner claiming that they were incorrectly classified as independent contractors, often worked more than 40 hours per week, were never paid overtime. Depending on the job position you have or had with Turner, you may be similarly situated to them and have the right under the FLSA to opt-in to the lawsuit.

B. The Lawsuit.

Plaintiffs have claimed that Turner owes them overtime pay, and Turner has denied that it owes them any overtime pay. The primary legal issue in this case is whether the Plaintiffs were misclassified as independent contractors.

C. Your Right to Opt-In.

Under the FLSA, you may opt in the lawsuit if you were similarly-situated to Plaintiffs. You have that right if you worked anywhere in the United States for Turner since April 29, 2013 as a Landman and were not paid overtime.

The opt-in consent indicates that you wish to participate in the lawsuit. The FLSA statute of limitations is satisfied on the date that opt-in consent is filed with the Court. By signing and returning the opt-in consent immediately and having Plaintiffs' attorneys file it with the Court, you will become a participant in the lawsuit (all personal identifying information will be redacted before filing).

D. Your Protection from Retaliation.

The FLSA specifically prohibits an employer from taking an adverse employment action against an employee because he or she is seeking to enforce his or her right to overtime pay. *Completing and returning an opt-in consent is protected by the FLSA from retaliation.*

The FLSA protects current and former employees from retaliation regardless of whether they are ultimately determined to be entitled to overtime pay. Thus, whether the lawsuit is won or lost, every current or former employee who opts-in the lawsuit is protected from retaliation.

E. Attorneys' Fees and Expenses.

Plaintiffs are represented by the attorneys listed below. The Plaintiffs' attorneys are also using other attorneys in co-counsel or "of counsel" roles.

John S. Marshall and Edward R. Forman
MARSHALL AND MORROW LLC
250 Civic Center Drive, Suite 480
Columbus, Ohio 43215-5296
(614) 463-9790
Fax (614) 463-9780
jmarshall@marshallandmorrow.com
eforman@marshallandmorrow.com

Matthew A. Schwartz
230 Durand St
Pickerington, OH 43147
614-949-9749
MSchwartzLaw@gmail.com

The lawsuit against Turner also seeks attorneys' fees, meaning that, if the case is successful, Turner will have to pay for the employees' reasonable attorney fees as well as expenses of the lawsuit, **in addition to** whatever overtime pay is required to be paid to Landmans.

The attorneys for the Plaintiffs are representing the employees on a contingency fee basis. No Landman who opts in to the lawsuit will owe any attorneys' fees unless the employee wins the lawsuit. All attorneys representing the Landmans have agreed to a total attorneys' fee of one third (33.33%) percent of the overtime pay that Plaintiffs are entitled to as a result of the lawsuit including back due overtime pay and overtime pay in future. However, the employee will **only** be obligated to pay the difference between one third of their overtime pay that they are awarded and any attorneys' fees awarded by the Court. In no event will **any** employee who opts in owe the attorneys any fees if no overtime pay is received.

F. Need additional information?

This Notice provides a general description and does not cover all of the issues and proceedings to date. If you wish to learn more about the lawsuit, contact one of Plaintiffs' attorneys. You can also visit the websites of the attorney Matthew A. Schwartz www.schwartzlawonline.com, or the lawfirm of Marshall and Morrow, www.marshallandmorrow.com, and click on the links which contains information about the lawsuit, and a printable consent form.

Please do not contact the Judge, Magistrate Judge, or the Clerk of the Southern District. They will not be able to answer your questions about the lawsuit or this notice.