

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SHELLY STIVERS, on behalf of herself and  
all other similarly situated persons, known  
and unknown,

Plaintiff,

v.

ILLINOIS STATE TOLL HIGHWAY  
AUTHORITY,

Defendant.

No. 15-cv-09030

Judge Matthew F. Kennelly  
Magistrate Judge Maria Valdez

**NOTICE OF FAIR LABOR STANDARDS ACT COLLECTIVE ACTION**

**TO: ALL PRESENT AND FORMER TOLL COLLECTORS AND SENIOR TOLL COLLECTORS EMPLOYED BY ILLINOIS STATE TOLL HIGHWAY AUTHORITY FROM FEBRUARY 11, 2013 TO THE PRESENT.**

**RE: FAIR LABOR STANDARDS ACT – UNPAID OVERTIME LAWSUIT FILED AGAINST ILLINOIS STATE TOLL HIGHWAY AUTHORITY.**

**INTRODUCTION**

The purpose of this Notice is to inform you of a collective action lawsuit in which you may be “similarly situated” to the named Plaintiff, to advise you of how your rights might be affected by this action, and to instruct you on the procedures to participate if you choose to do so.

**DESCRIPTION OF THE ACTION**

On October 13, 2015, a lawsuit was filed against Illinois State Toll Highway Authority (“Defendant”). The lawsuit includes claims by the named Plaintiff on behalf of all other similarly situated individuals who were employed by Defendant during the past three years as toll collectors and/or senior toll collectors (collectively referred to as “toll collectors”).

Plaintiff alleges that toll collectors are not paid for work performed before and after their assigned shifts, including time spent completing required paperwork and obtaining/returning their money drawers. Specifically, Plaintiff alleges that toll collectors are not paid for all of their work because Defendant only pays toll collectors based upon the starting and ending times of their assigned shifts rather than their actual clock-in and clock-out times. As a result, Plaintiff alleges that Defendant violated the Fair Labor Standards Act (“FLSA”) because toll collectors

are not paid one and one-half times their regular hourly rate (“overtime”) for all work performed in excess of forty (40) hours per week.

Defendant denies that it has violated the FLSA, and contends that its policies and practices were proper and in compliance with the FLSA at all times.

**The Court has taken no position on the merits of Plaintiff’s claims or Defendant’s defenses.**

**COMPOSITION OF THE POTENTIALLY SIMILARLY SITUATED GROUP**

The named Plaintiff alleges that she was a non-exempt hourly employee for Defendant, and that she is owed unpaid overtime under the FLSA. She seeks to sue on behalf of herself and other individuals with whom she is similarly situated.

Specifically, she seeks to sue on behalf of any and all individuals who meet the following requirements for at least one workweek during the period from February 11, 2013 to the present:

- (a) Performed the job duties of a toll collector and/or senior toll collector; and
- (b) Worked over forty (40) hours for Defendant, including any work performed before and/or after their assigned shifts; and
- (c) Were not paid for all hours worked before and/or after their assigned shift.

**YOUR RIGHT TO PARTICIPATE IN THIS ACTION**

If you fit the description above, you may choose to join this action by mailing, faxing, or emailing the attached Consent Form to Plaintiff’s Counsel for filing with the Court:

**Siegel & Dolan Ltd.  
Attn: Bradley Manewith  
150 N. Wacker Drive, Suite 1100  
Chicago, IL 60606  
Telephone: (312) 878-3210  
Facsimile: (312) 878-3211  
Email: [bmanewith@msiegellaw.com](mailto:bmanewith@msiegellaw.com)**

It is entirely up to you to decide whether to join this lawsuit. You are not required to join this case unless you want to do so.

To participate in this case, the Consent Form must be **received** by Plaintiff’s Counsel on or before **April 12, 2016**. **It is your responsibility to send the Consent Form in a timely manner to ensure that Plaintiff’s Counsel receives the form on or before April 12, 2016.**

If you have any questions regarding your right to participate in this action, you may contact Plaintiff's Counsel. You should not contact the Court with any questions regarding this Notice or the lawsuit.

### **EFFECT OF JOINING OR NOT JOINING THIS ACTION**

If you file a Consent Form, you will be joining this action as a Plaintiff. You may be required to provide information, sit for depositions, and/or testify in court while the lawsuit is proceeding. You and Defendant will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable.

If you do not join this action, you will not be bound by any ruling, judgment, award, or settlement 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.

The Court has conditionally certified the case as a collective action. If you file a Consent Form, your continued right to participate in this action will depend upon a later decision by the Court that you and the named Plaintiff are in fact "similarly situated" in accord with applicable law and that it is appropriate for the case to proceed as a collective action.

### **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 you were denied proper compensation for all hours worked, including overtime pay, for hours worked within three 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 later 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, if you are still employed by Defendant and choose to participate in this lawsuit, Defendant is not allowed to discharge or otherwise retaliate against you because of your participation.

### **YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join the case by filing a Consent Form, your interests will be represented by Plaintiff's Counsel, Siegel & Dolan Ltd.

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

or costs from any of the Plaintiffs. If you have questions about the contingency fee arrangement with Plaintiff's counsel, you may contact Plaintiff's counsel at the address, telephone number, or e-mail address above.

**PLAINTIFF CONSENT FORM**

By my signature below, I represent to the Court that during at least one workweek between February 11, 2013 and present, (1) I was employed by the Illinois State Toll Highway Authority (“Defendant”) as a toll collector and/or senior toll collector, (2) I worked over forty (40) hours for the Defendant, including any work performed before and/or after my assigned shift, and (3) I was not paid for all hours worked before and after my assigned shift. As a result, I believe I have not been paid all overtime wages owed to me pursuant to the FLSA. I authorize through this Consent the filing and prosecution of this Fair Labor Standards Act action in my name and on behalf of all persons similarly situated to myself. I hereby designate Siegel & Dolan Ltd. to represent me for all purposes in this action.

My name is: \_\_\_\_\_ (print your name)

My address is: \_\_\_\_\_ (street address)

\_\_\_\_\_ (city, state, zip code)

My telephone number is: \_\_\_\_\_ (area code and telephone number)

My signature: \_\_\_\_\_

Date on which I signed this Consent: \_\_\_\_\_  
(today’s date)

Mail, Fax, or Email to: Siegel & Dolan Ltd.  
150 N. Wacker Drive, Suite 1100  
Chicago, IL 60606  
Tel. (312) 878-3210  
Fax (312) 878-3211  
Email: [bmanewith@msiegellaw.com](mailto:bmanewith@msiegellaw.com)  
Web: [www.msiegellaw.com](http://www.msiegellaw.com)