

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

Carolyn J. O’Leary,
individually and on behalf of all other
similarly situated individuals,

Plaintiff,

v.

Case No. 1:17-cv-01774-WCG

Humana Insurance Company and
Humana Inc.,
Defendants.

COURT-AUTHORIZED NOTICE OF OPPORTUNITY TO JOIN A LAWSUIT

Important Legal Notice – Please Read Carefully

You Are NOT Being Sued

TO: All persons who work or worked as clinical nurse advisors for Humana Insurance Company or Humana Inc. (“Humana”) in the roles of:

- Clinical Intake,
- Clinical Claims Review (including DME),
- Acute Case Managers, or
- Market Clinical – Senior Products utilization management nurses,

and were classified as exempt from overtime laws at any time from July 9, 2015 to March 3, 2018.

RE: Overtime lawsuit against Humana Insurance Company and Humana Inc.

The purpose of this notice is to inform you that a lawsuit exists that you may join, to advise you of how your rights may be affected by this lawsuit if you join, and to instruct you on the procedure for participating in this lawsuit, should you choose to do so.

The lawsuit is a collective action alleging violations of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* The United States District Court for the Eastern District of Wisconsin has authorized the mailing of this notice to you to afford you the opportunity to join

this lawsuit should you so desire. The Court has not yet made a determination regarding the merits of the case.

1. Why are you getting this notice?

You are getting this notice because you worked for Humana as a clinical nurse advisor who primarily performed utilization management review functions and were classified as exempt from overtime laws under the FLSA at any time from July 9, 2015 to March 3, 2018. You can join this lawsuit even if your position was subsequently re-classified as non-exempt from overtime law.

2. What is this lawsuit about?

A lawsuit was filed on December 20, 2017 against Humana. The individual who brought this lawsuit, Carolyn O’Leary, alleges that Humana violated the federal Fair Labor Standards Act by not paying overtime compensation for hours worked in excess of 40 hours in a week. The lawsuit is seeking back pay for alleged unpaid overtime wages plus an additional amount as liquidated damages equal to the alleged unpaid wages, as well as costs and attorney’s fees from Humana.

Humana denies that they have violated the law and that they owe any of the back pay, liquidated damages, costs or attorney’s fees that are sought. Humana asserts that clinical nurse advisors are exempt from the overtime requirements of the FLSA as either professional employees or administrative employees, or both. The Court has not yet decided whether Humana has done anything wrong or whether this case will proceed to trial.

3. Your right to join this case.

You may join this case (that is, you may “opt in”) by completing the attached “Consent to Join Collective Action” and mailing, emailing, or faxing it to the following address:

**Elizabeth J. Eberle, Attorney
Miner, Barnhill & Galland, P.C.
44 E. Mifflin Street, Suite 803
Madison, WI 53703
Fax: 608-255-5380
Email: beberle@lawmbg.com**

The form must be postmarked, emailed, or faxed on or before March 30, 2021. If you fail to timely return the “Consent to Join Collective Action” form, you might be barred from participating in this lawsuit.

Plaintiff’s Counsel, Miner, Barnhill & Galland, PC, is being paid on a contingency fee basis, which means that if there is no recovery there will be no attorney’s fee or costs. If there is a recovery for the Class, Plaintiff’s Counsel will apply to the Court for approval of a fee, and that fee will come from any settlement obtained or money judgment entered in favor of the members of the class and/or from Humana.

4. What are your options?

If you choose to join this case, you would be eligible to participate in a recovery or a settlement for unpaid wages and liquidated damages, if any recovery or settlement is achieved. If you choose to join this case, you will be bound by any judgment ultimately entered in this case, whether it is favorable or unfavorable.

If you do not wish to be a part of the lawsuit, you do not need to do anything. If you do not join the lawsuit, you would not be eligible to participate in a recovery or a settlement for unpaid wages and liquidated damages in this case, if any is achieved. Also, you will not be part of the case in any way and will not be bound by or affected by the result, whether favorable or unfavorable.

If you decide not to join this case, your right to bring a similar case on your own at a future time will not be affected. However, claims under the Fair Labor Standards Act must be brought within two (2) years of the date the claim accrues, unless the employer's violation of the law was "willful," in which case the claim must be brought within three (3) years.

5. Humana cannot and will not fire or take action against you for joining this lawsuit.

It is illegal for Humana to take any action against you for joining this lawsuit such as terminating your employment, reducing your hours, pay or benefits.

6. How can you get more information?

You can get more information by calling Elizabeth ("Betty") J. Eberle, the attorney for the Plaintiff. She can be reached at **608-729-4232** or beberle@lawmbg.com or visit www.Notice.HumanaLawsuit.com, where you can request information.

DO NOT CONTACT THE CLERK OF COURT REGARDING THIS NOTICE.

THIS IS A COURT-APPROVED NOTICE.

***** THIS IS NOT AN ADVERTISEMENT FROM A LAWYER *****