

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN OF TENNESSEE**

Andrew Rakowsky,
*individually and On Behalf of Other Similarly
Situated Employees*

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,

Defendant.

NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN

TO: Any individual who works or worked for Defendant Federal Express Corporation (“FedEx”) in any state except Pennsylvania as a Security Specialist II, Security Specialist III or Senior Security Specialist (collectively, “Security Specialists”) at any time from May 26, 2020, to the present.

RE: Right to Join a Lawsuit Filed on Behalf of Current and Former FedEx Security Specialists

What Is This Lawsuit About?

- On May 26 of 2023, a class and collective action was filed against FedEx on behalf of the named Plaintiff Andrew Rakowsky and all other “similarly situated” individuals who worked for FedEx in any state except Pennsylvania as a Security Specialist II, Security Specialist III or Senior Security Specialist. Mr. Rakowsky alleges that he and other “similarly situated” Security Specialists were misclassified as salaried exempt employees and are owed overtime compensation under the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*
- “Similarly situated” refers to Security Specialists, who worked for FedEx in any state except Pennsylvania and who did not receive proper overtime compensation for hours worked over 40 per workweek.
- FedEx denies that it violated the FLSA and asserts that Security Specialists were properly classified as salaried, exempt employees and were properly paid.

Why Did I Get This Notice?

- You received a copy of this notice because FedEx’s records indicate that you work or worked for FedEx in the United States as a Security Specialist II, Security Specialist III, or Senior Security Specialist at some point between May 26, 2020, to the present.

How Do I Join?

To be included in this lawsuit, you must return an Opt-In Consent Form. You may do so by mailing, emailing, or faxing the enclosed Opt-in Consent Form to Plaintiff's Counsel:

Nichols Kaster, PLLP
Attn.: Rachhana T. Srey
4700 IDS Center, 80 South Eighth Street
Minneapolis, Minnesota 55402
Toll-Free Telephone: (877) 448-0492 (no faxes to this number)
Fax: (612) 338-4878
Email: consents@nka.com
Electronic Submission: <http://bit.ly/fedexconsentform2>

The Opt-In Consent Form must be postmarked (if mailed) or electronically dated (if emailed, faxed or signed electronically) on or before December 13, 2024 for you to participate.

What Happens If I Join?

- If you exercise your right to join this lawsuit, you may either choose to be represented by Plaintiff's counsel, Pollins Law, and Nichols Kaster, PLLP, or hire your own attorney. If you choose to be represented by Plaintiff's counsel, you authorize Plaintiff's Counsel to make decisions regarding the course of this lawsuit and any settlement discussions in connection with this lawsuit.
- If you join this lawsuit, you will be bound by any ruling or judgment by the Court, whether the ruling/judgment is favorable or unfavorable.
- Plaintiff's counsel has taken this case on a contingency fee basis. If you choose to be represented by Plaintiff's counsel, they will only be paid if there is a monetary recovery through a settlement, judgment, or award in your favor. You will not have to pay any costs or attorneys' fees out of your own pocket. The details will be fully outlined in a separate fee agreement with the attorneys. The Court will ultimately determine the reasonableness of any fees awarded to the attorneys.
- The law prohibits employers from retaliating in any way against employees for exercising their rights to participate in a lawsuit of this nature.

What if I do not want to participate?

- If you do not wish to participate, do nothing. There may be time limits in which to file an individual FLSA claim. If you choose not to join the lawsuit, consult an attorney to obtain further information about time limits that may apply.

THIS NOTICE AND ITS CONTENT HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE. THE COURT HAS MADE NO DECISION ABOUT THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES.

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE WITH QUESTIONS ABOUT THIS LAWSUIT.

OPT-IN CONSENT FORM

1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. against Federal Express Corporation (“Defendant”) and any other related entities or affiliates, to recover overtime pay.

2. During the past three years, there were times when I worked over 40 hours per week for Defendant as a Security Specialist II, Security Specialist III or Senior Security Specialist outside of Pennsylvania, and did not receive overtime compensation for the overtime hours I worked.

Date: _____

Signature

Print Name

Information Below Will Be Redacted in Filings with the Court. Please Print or Type.

Address: _____

City, State Zip: _____

Best Phone Number(s): _____

Email: _____

**Return this form by
email or mail to:**

**Nichols Kaster, PLLP, Attn: Rachhana T. Srey fax,
Fax: (612) 338-4878
Email: consents@nka.com
Address: 4700 IDS Center, 80 S. 8th Street, Minneapolis, MN 55402
www.nka.com**