

## NOTICE OF CLASS ACTION LAWSUIT

This notice is given pursuant to Rule 23 of the Arkansas Rules of Civil Procedure and pursuant to an Order of the Circuit Court of Faulkner County, Arkansas. A lawsuit entitled *Richard Shumate, Jr. and Damon Reed, on behalf of themselves and all similarly situated persons and entities v. City of Conway, an Arkansas municipality* is now pending in the Circuit Court of Faulkner County, Arkansas, Case Number 23CV-12-855.

Plaintiffs contend that Defendant, the City of Conway, entered into contracts with all persons employed or hired as Policemen or Firemen from December 1, 2001 through December 31, 2012, which obligated the city to pay those employees pursuant to Police and Fire Pay Grids approved by the City Council. Plaintiffs further allege that Defendant breached those contracts when it ceased making periodic salary “step” increases required by the Pay Grids.

Plaintiffs Richard Shumate, Jr. and Damon Reed have undertaken to represent similarly situated Policemen and Firemen employed by Defendant City of Conway at any time between December 1, 2001 and December 31, 2012. Plaintiffs seek to recover all monetary damages caused by the breaches of these contracts, and they have also asked the Court to enter an injunction prohibiting Defendant from in the future committing similar breaches of the employment contracts with its Policemen and Firemen.

Defendant denies that it has breached the employment contracts with its Policemen and Firemen as maintained by Plaintiffs.

The Court has not ruled on any of the above claims, but will permit all parties to offer proof on these issues. The Court will then decide the merits of all of these issues at the close of the case.

On December 7, 2015, the Circuit Court of Faulkner County, Arkansas directed and certified that this cause proceed as a class action under the provisions of Rule 23 of the Arkansas Rules of Civil Procedure. The class which the Court certified is defined as

All City of Conway Policemen<sup>1</sup> and Firemen<sup>2</sup> (excluding department heads and elected officials) who were employed by the City of Conway during the period commencing December 1, 2001, through December 31, 2012 (the “Class Period”).

Notice is hereby given pursuant to the provisions of Rule 23(c) of the Arkansas Rules of Civil Procedure that:

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<sup>1</sup> Code Enforcement Officer, Officer I-IV, Master Officer, Sergeant, Lieutenant, Major, and Chief.

<sup>2</sup> Firefighter, Lieutenant, Captain, Division/District Chief, and Chief.

- (1) Richard Shumate, Jr. and Damon Reed have been appointed by the Court to function as representatives of the Plaintiff Class; and
- (2) Class Counsel have been appointed by the Court to represent the interests of the Class. Class Counsel include: Thomas P. Thrash and Marcus Neil Bozeman of the Thrash Law Firm, P.A., 1101 Garland Street, Little Rock, Arkansas 72201 – (501) 374-1058; Russell A. Wood, Wood Law Firm, P.A., 501 East 4<sup>th</sup> Street, Ste. #4, Russellville, Arkansas 72801 – (479) 967-9663.

You will not be charged for Class Counsel's services, nor for any costs or expenses incurred by Class Counsel or the Class Representatives. If there is a recovery of monetary value for the Class, Class Counsel may ask the Court for attorneys' fees and costs, which would be deducted from any money obtained, or paid separately by the City of Conway. You have the right to hire your own attorney. If you hire your own attorney, you will be responsible for paying that attorney's fees and expenses.

IF YOU WISH TO REMAIN A MEMBER OF THE CLASS, YOU NEED NOT DO ANYTHING AT THIS TIME. As a Class Member, you will be bound by all orders and judgments of the Court, whether favorable or not.

If you do not wish to participate in the Class, the Court will exclude you from the Class if you request exclusion in writing in a letter postmarked on or before December 1, 2017. Requests for exclusion should be sent to Russell A Wood, Wood Law Firm, P.A., 501 East 4<sup>th</sup> Street, Ste. #4, Russellville, Arkansas 72801, and must be personally signed by the Class Member requesting exclusion.

If you do not request exclusion, you may, if you desire, enter an appearance with the Court in person or through counsel of your own choosing and participate in the litigation. If you do not request exclusion, and you do not enter an appearance with the Court, the above-named attorneys for the Plaintiffs will represent your interest in the case.

Trial of this cause of action may be set by Court Order and notice given to anyone who has entered an appearance. The final judgment entered in this case will include and be binding upon all members of the Class who do not request exclusion.

Pursuant to Rule 23(b) of the Arkansas Rules of Civil Procedure, the Class Certification Order signed and filed of record on December 7, 2015 may be altered or amended before a final judgment by the Court on the merits.

IF YOU HAVE ANY QUESTIONS REGARDING THIS LITIGATION, YOU MAY WRITE TO CLASS COUNSEL IDENTIFIED ABOVE. PLEASE DO NOT CALL OR WRITE THE COURT.

Dated: August 25, 2017.

/s/ Honorable Troy B. Braswell, Jr.  
Honorable Troy B. Braswell, Jr.  
Faulkner County Circuit Judge