



National Border Patrol Council

Brandon Judd
President
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February 21, 2014

Re: **IMPORTANT!** New FLSA Lawsuit to be Filed for Unpaid Pre-Shift Work Time and Other Pay Violations- To Participate You Must Complete the Enclosed Form

Dear Union Member:

Enclosed is a consent and retainer form for you to sign to join a lawsuit that is going to be filed in federal court to recover overtime pay for unpaid work time. There will be two lawsuits: one will cover canine handlers and instructors and the other will cover non-canine border patrol agents. In the lawsuits we will seek compensation for unpaid work time performed by border patrol agents and canine handlers including, but not limited to, pre-shift work, off-the-clock work performed at home, underreported AUO hours, and off-the-clock canine care time. Joining the lawsuit will cost you nothing. The law firm is being paid on a contingency fee basis of 25 percent of the money they recover. This means that if the case is not successful, you will not owe the attorneys anything. The National Border Patrol Council is paying the attorneys' expenses during litigation. The border patrol agents will be represented by Gregory K. McGillivary of Washington, D.C. law firm Woodley & McGillivary.

Importantly, to participate in the lawsuit, you must complete the enclosed consent/retainer form, sign it and return it to the law firm of Woodley & McGillivary at:

WOODLEY & MCGILLIVARY
1101 Vermont Ave., N.W.
Suite 1000
Washington, D.C. 20005

For your convenience in doing so, a self-addressed stamped envelope is enclosed.

Please note that there is a spot on the form where you must identify whether you have worked as a canine handler/instructor or in a non-canine border patrol agent position within the past three years. Please be sure to fill out this section accurately. If you have worked in both positions within the past three years, you will want to select both as you will be eligible to join both lawsuits. If you would like to join the lawsuit, please be sure to return the completed form to Woodley & McGillivary in the enclosed, stamped envelope by **March 31, 2014**. This will permit you to join in the initial filing of the lawsuit that will

result in the longest recovery period and therefore a potentially greater amount of damages.

The law firm of Woodley & McGillivray has extensive experience and success in recovering pay for federal workers, including cases on behalf of border patrol agents to recover FLSA pay, hazardous duty pay, and AUO. They have recovered millions of dollars on behalf of border patrol agents and we are confident that in this lawsuit they will recover the monies of which the canine handlers and other agents have been unlawfully deprived.

The National Border Patrol Council is supporting this lawsuit, because we believe that the Agency has committed extensive violations of the law that have led to agents nationwide losing pay. **You must be a union member to sign up for the lawsuit.**

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Judd', written in a cursive style.

Brandon Judd
President, National Border Patrol Council