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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

2001 FEB -2 A 9 00

VICKIE K. PREWETT, *
CHRISTINE HALE, ET. CLK *
DEBORAH COKER, *
VICKY BROWN, *
LISA JACKSON, *
TERESA THOMASON, *
SUSAN W. COLLIER, *
VALERIE PORTER WILLIAMS, *
BETTY DUBOSE, and all *
females, collectively, *
employed in Alabama as County *
Veteran Affairs Assistants under *
circumstances similar to those *
of the named Plaintiffs *
and the class of all such *
individuals affected by salary *
policies which discriminate on *
the basis of gender, *

Plaintiffs, *

vs. *

CIVIL ACTION NO: 2:COCV1674(T)

STATE OF ALABAMA *
DEPARTMENT OF VETERANS *
AFFAIRS AND THE ALABAMA *
STATE PERSONNEL DEPARTMENT, *

Defendants. *

PLAINTIFFS' RENEWED MOTION TO CONDITIONALLY CERTIFY
COLLECTIVE ACTION AND TO AUTHORIZE
NOTICE TO SIMILARLY SITUATED EMPLOYEES

Plaintiffs move the Court, pursuant to 29 U.S.C. Section 216(b), to conditionally certify this action as a collective action on behalf of plaintiffs and similarly situated

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employees of the State of Alabama Department of Veterans Affairs, and to authorize that appropriate notice be given by plaintiffs to the similarly situated employees. As grounds for this motion, plaintiffs would show the Court as follows:

1. Named plaintiffs are female present and former employees of the State of Alabama Department of Veterans Affairs. Named plaintiffs are or were employed in the job position of County Veterans Affairs Assistants. *Complaint*, ¶ 1.

2. Named plaintiffs allege that defendants have employed males in the job position of "Veterans Service Officer," at salary levels substantially higher than named plaintiffs. *Complaint*, ¶ 18. Further, named plaintiffs allege that the males so employed perform duties which are essentially the same as the duties of the plaintiffs, requiring equal skill, effort and responsibility, and performed under similar working conditions as those performed by the plaintiffs. *Complaint*, ¶18.

3. Named plaintiffs allege that throughout the State of Alabama defendants employ many females County Veteran Affairs Assistants who are being paid unequal pay under circumstances closely similar or identical to those of the named plaintiffs. *Complaint*, ¶24. Accordingly, named plaintiffs seek to bring this action as a collective action on behalf of themselves and similarly situated female employees, pursuant to Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. § 216(b). *Complaint*, ¶24.

4. In support of these allegations, and in support of this motion, plaintiffs submit a copy of the attached affidavit attached as Exhibit A, verifying the factual allegations of the complaint. The original of the affidavit was filed on January 11, 2001, as part of

"Plaintiffs' motion to conditionally certify collective action and to authorize notice to similarly situated employees", which the Court denied with leave to renew.

5. Under authority of 29 U.S.C. § 216(b), plaintiffs may bring an action on behalf of similarly situated employees if each such employee "gives his [or her] consent in writing to become a party and such consent is filed in the Court in which the action is brought."

6. Plaintiffs ask that they be authorized to send appropriate notice and consent forms to similarly situated employees of the State of Alabama Department of Veteran Affairs, and suggest that the notice attached hereto is Exhibit B be approved by the Court. In seeking a order authorizing that notice and consent forms be sent to similarity situated employers, plaintiffs rely upon the Supreme Court's, the Eleventh Circuit's, and this Court's decisions which point out that early judicial participation in the notice process in an Equal Pay Act case serves a number of important goals: providing judicial oversight of the contents of the notice; ensuring that all potential plaintiffs receive timely notice of a pending action; and, providing a cut-off date for receipt of consents. *Hoffman-La Roche, Inc. v. Sperling*, 493 U.S. 165, 171 (1989); *Grayson v. K-Mart Corp.*, 79 F.3d 1086, 1096 (11th Cir. 1996); *Garner v. G.D. Searle Pharmaceuticals & Co.*, 802 F. Supp 418, 422 (M.D. Ala. 1991).

7. Plaintiffs will or may later seek class certification under Rule 23 of the Federal Rules of Civil Procedure to prosecute claims on behalf of a class of women under Title VII, 42 U.S.C. Section 1983, and the Equal Protection clause of the

Fourteenth Amendment to the United States Constitution. Plaintiffs ask that the Court consider the instant motion to conditionally certify a collective action under the Equal Pay Act separately from class certification under Rule 23.

WHEREFORE, these premises considered, plaintiffs move the Court:

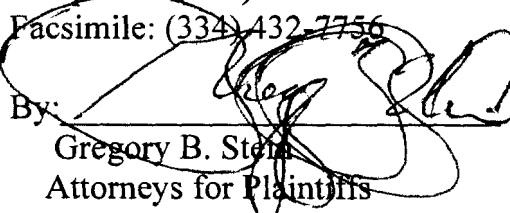
(1) to conditionally certify this action as a collective action pursuant to 29 U.S.C. Section 216(b), and define the class of plaintiffs as all women who have been employed by the State of Alabama as County Veterans Affairs Assistants or Administrative Support Assistants at any time since December 7, 1997; and,

(2) to authorize plaintiffs to mail the notice attached hereto as Exhibit B to all females employed by defendants as a County Veterans Affairs Assistant or Administrative Support Assistant at any point in time since December 7, 1997.

Respectfully submitted this 31st day of January, 2001.

Richard L. Thiry
Henry H. Caddell
THIRY and CADELL
1911 Government St.
Mobile, AL 36606
Telephone: (334) 478-8880
Facsimile: (334) 478-8885

STEIN and BREWSTER
Post Office Box 1051
Mobile, AL 36633
Telephone: (334) 433-2002
Facsimile: (334) 432-7756

By: 
Gregory B. Stein
Attorneys for Plaintiffs

OF COUNSEL:

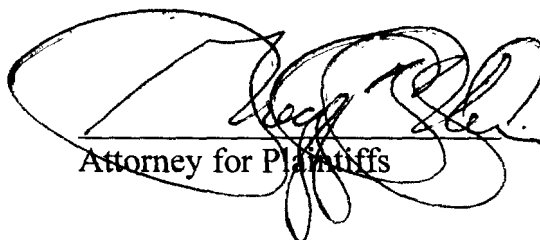
Rhonda Brownstein, Esq.
SOUTHERN POVERTY LAW CENTER
Post Office Box 2087
Montgomery, Alabama 36102-2087

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2001, a copy of the foregoing was served upon the following:

Alice A. Byrne, Esq.
Attorney for State Personnel Department
64 North Union Street, Suite 316
Montgomery, AL 36130

Margaret L. Fleming, Esq.
Assistant Attorney General
Office of the Attorney General
11 South Union Street, 3rd Floor
Montgomery, AL 36130


Attorney for Plaintiffs

set forth in that complaint are true and correct to the best of my knowledge, information and belief.


VICKIE K. PREWETT

SWORN BEFORE NOTARY

STATE OF ALABAMA:
COUNTY OF BALDWIN:

Personally appeared before me, the undersigned authority in and for said State and County, Vickie K. Prewett, who after being duly sworn by me, doth depose and say that the foregoing affidavit is true and correct to the best of her knowledge.

Done this the 4th day of January, 2001.


NOTARY PUBLIC

My Commission Expires: 5/26/2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

VICKIE K. PREWETT, *
CHRISTINE HALE, *
DEBORAH COKER, *
VICKY BROWN, *
LISA JACKSON, *
TERESA THOMASON, *
SUSAN W. COLLIER, *
VALERIE PORTER WILLIAMS, *
BETTY DUBOSE, and all *
females, collectively, *
employed in Alabama as County *
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and the class of all such *
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CIVIL ACTION NO: 2:COCV1674(T)

STATE OF ALABAMA *
DEPARTMENT OF VETERANS *
AFFAIRS AND THE ALABAMA *
STATE PERSONNEL DEPARTMENT, *
Defendants. *

**NOTICE OF PENDENCY OF EQUAL PAY ACT COLLECTIVE
ACTION AND CONSENT FORM**

Important! Please read this notice carefully. It may affect your legal rights.

To: All adult females in Alabama who, at any time since December 7, 1997, have been employed by the State of Alabama Department of Veterans Affairs as County Veterans Affairs Assistants (Administrative Support Assistants) doing work equal to males employed as Veteran Service Officers but receiving lesser, unequal pay.

If you (1) are a female, and (2) have been employed by the State of Alabama Department of Veterans Affairs as a County Veterans Affairs Assistant (Administrative Support Assistant) at any time since December 7, 1997 (even if you have since left that employment), this notice is to inform you of a pending lawsuit which may affect your legal rights. Vickie K. Prewett, Christine Hale, Deborah Coker, Vickie Brown, Lisa Jackson, Theresa Thomason, Susan W. Collier, Valerie Porter Williams, and Betty Dubose have filed a lawsuit in the federal court in Montgomery, Alabama, claiming that women employed as County Veterans Affairs Assistants (Administrative Support Assistants) do work essentially equal to males employed as Veteran Service Officers but are payed less, unequal pay. These persons, "the plaintiffs," claim that the unequal pay for equal work violates the "Equal Pay Act," 29 United States Code Sections 206(d)(1) and 216(b). The plaintiffs seek to bring this lawsuit for themselves and as a "collective action" on behalf of all other women who have been employed as County Veterans Affairs Assistants (Administrative Support Assistants) for some or all of the time since December 7, 1997.

In order for you to participate in this lawsuit, you need to complete, sign and file with the Court a written consent form like the one attached to this notice as APPENDIX

1. If you do not sign and file a written consent form with the Court, you will not be allowed to participate in the lawsuit and will not be allowed to share in any monies or other relief obtained by the plaintiffs.

You are encouraged to consult a lawyer and obtain legal advice on whether to participate in this lawsuit. You may consult a lawyer of your own choosing or may consult the lawyers who represent the plaintiffs in this lawsuit, whose names and telephone numbers, addresses, and email addresses are as follows:

Henry H. Caddell, Esq
Thiry & Caddell
1911 Government Street
Mobile, AL 36606
Telephone: (334) 478-8880
Fax: (334) 478-8885
Email: caddelllaw@zebra.net

Richard L. Thiry, Esq.
Thiry & Caddell
1911 Government Street
Mobile, AL 36606
Telephone: (334) 478-8880
Fax: (334) 478-8885

Gregory B. Stein, Esq.
Stein and Brewster
205 N. Conception St.
Mobile, AL 36602
Telephone: (334) 433-2002
Fax: (334) 432-7756
Email: gstein@steinandbrewster.com

You will not be charged any fee or costs by the lawyers (listed above) in consulting with them in connection with this lawsuit.

When and how to file a written consent form

You should mail or hand deliver the attached consent form, or a similar writing, to the Clerk of the United States District Court for the Middle District of Alabama in Montgomery, Alabama. The name and address of the Clerk is as follows:

Debra P. Hackett, Clerk
United States District Court
for the Middle District of Alabama
15 Lee Street
Post Office Box 711
Montgomery, AL 36101

If you wish, one of the lawyers for the plaintiffs listed above will help you file the consent form. You should file the written consent form with the Clerk no later than 5:00 p.m., Friday, May 18, 2001. The consent form should be received by the Clerk on that day, not just postmarked. If you do not file the written consent form by that day you may be excluded from the lawsuit. A decision whether to exclude persons who file written consent forms after May 18, 2001 will be made by the judge. If you wish to participate in the lawsuit, you should protect your legal rights by filing the form **on or before May 18, 2001.**

Clerk, United States District Court
for the Middle District of Alabama

Attachment: APPENDIX 1, WRITTEN CONSENT TO BE A PARTY PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

VICKIE K. PREWETT,
et al.,

*

Plaintiffs,

*

vs.

*

CIVIL ACTION NO: 2:COCV1674(T)

STATE OF ALABAMA
DEPARTMENT OF VETERANS
AFFAIRS AND THE ALABAMA
STATE PERSONNEL DEPARTMENT,

*

*

*

Defendants.

*

WRITTEN CONSENT TO BE A PARTY PLAINTIFF

I, _____, hereby give written consent to be a
party Plaintiff in the above-styled action seeking relief under the federal Equal Pay Act.

DATE: _____

SIGNED

Please print below

Full Name

Address

Home Telephone

Work Telephone

Email address (optional)

APPENDIX 1