

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

THOMAS C. PORTA, et al., and)	
ANDREW D. BARTH, et al.)	
Plaintiffs,)	No. 05-14210C
v.)	(Judge Firestone)
)	
THE UNITED STATES,)	
Defendant.)	

ADDITIONAL NOTICE OF COLLECTIVE ACTION

You should have recently received **Notice of Collective Action and Opportunity to Join** this case. You will soon receive, or may have recently received, a payment from the Government for overtime wages for Saturday training during your entry-level training. The payment does not fully compensate you for the amount claimed in the Plaintiffs’ collective action lawsuit. You may keep the payment and join this case to try to recover additional damages that the Plaintiffs claim are due you under Federal overtime law, the Fair Labor Standards Act.

Since this lawsuit began, the Government has decided to pay you and other Border Patrol Agents overtime wages for training on Saturdays during your entry-level training at the FLETC in Glynco, Georgia. The payment you recently received represents the overtime wages that the Government did not pay you, plus an additional payment of 10% interest.

The Government has not paid you the full amount of damages that the Plaintiffs seek. The Plaintiffs brought this lawsuit based on Federal law that they contend requires the Government to pay the back overtime wages plus liquidated damages equal to the amount of overtime pay owed. (“Liquidated damages” are intended to compensate you for not having your wages paid at the time that they were due.) The Government did not pay you liquidated damages equal to the amount of back pay you were paid, the Government paid you 10% interest on the back wages. The Plaintiffs claim that the Government still owes you an additional payment of liquidated damages equal to 90% of the back wages paid.

The Court ordered the Government to send this additional notice to you so that you would understand that the payment you have received does not prevent you from joining the lawsuit to recover the balance of the damages that may be owed to you. You may keep the payment regardless of whether you join this action.

If you have any questions, you may contact Plaintiffs’ counsel, Michael J.D. Sweeney, the Getman Law Office, 845-255-9370.