



ELECTRONICALLY FILED  
4/8/2019 9:21 AM  
47-CV-2016-000012.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

INGALLS JANICE,	)	
PARKER MILTON,	)	
DAVIS KAMARA BOWLING,	)	
Plaintiffs,	)	
	)	
V.	)	Case No.: CV-2016-000012.00
	)	
THE SPACE SCIENCE EXHIBIT	)	
COMMISSION,	)	
BARNHART DEBORAH,	)	
BALCH BROOKE,	)	
HENDERSON VICKIE ET AL,	)	
Defendants.	)	

**NOTICE OF THE PENDENCY OF A CLASS ACTION**

**THIS NOTICE RELATES TO A CLASS ACTION LAWSUIT THAT MAY AFFECT YOU AND YOUR LEGAL RIGHTS**

**PLEASE READ CAREFULLY**

**WHAT IS THIS NOTICE ABOUT?**

You are receiving this notice because you have been identified as a member of a class action lawsuit that alleges that employees of the Alabama Space Science Commission (“Commission”) who worked at the U.S. Space & Rocket Center did not properly receive compensation for working holidays recognized by the State of Alabama under Ala. Code § 1-3-8 and for Longevity Pay bonuses owed to State of Alabama employees under Ala. Code § 36-6-11(a).

The Court has ruled that the case may proceed as a class action with respect to the claims described below and on behalf of the class of employees described below. The Court directed the parties to give notice to you in order to inform you of this pending

lawsuit and your rights.

You have been identified as a member of this class and may be entitled to monetary compensation. Please retain this document, as the following pages contain important and valuable information about this lawsuit and your rights.

### **WHAT IS THIS LAWSUIT ABOUT?**

The Plaintiffs in this lawsuit are former Commission employees who worked at the Rocket Center. Commission employees are considered employees of the State of Alabama and are entitled to certain benefits and privileges associated with state employment. Defendants Deborah Barnhart (Chief Executive Officer) and Vickie Henderson (Vice President of Human Resources), and Brooke Balch (former Vice President of Finance) are current and former officers of the Commission. These Commission officers, in their official capacities, are named as the Defendants in the lawsuit and are responsible for the day-to-day management and operation of the Rocket Center, including employee compensation.

The Alabama Department of Examiners of Public Accounts ("Department of Examiners") previously conducted an audit of the Commission to determine compliance by the Commission with applicable laws and regulations of the State of Alabama. Among other findings from the audit were the Department of Examiners' conclusions that the Commission had not complied with Alabama law (1) in its payment of annual longevity pay bonuses to Commission employees; and (2) in the manner it compensated Commission employees for working on certain State holidays. Specifically, the audit found that (1) the Commission provides six (6) fewer holidays to its employees than are mandated by law for state employees and (2) the Commission employees who were entitled to receive longevity payments received less than the amount to which they were entitled.

To remedy this non-compliance, the Department of Examiners recommended that the Commission re-compute longevity pay for each employee and pay the employees the total amount of all underpayments due to them. With regard to the compensation of Commission employees who worked on state holidays, the Department of Examiners recommended that the Commission observe all the holidays enumerated by the Alabama statute and that the Commission provide appropriate paid compensation to employees working on state holidays.

To date, the Commission officers have taken no measures to alter the Commission's payment policy or to see that Commission employees are compensated in

accordance with the holiday and longevity pay statutes at issue. The Commission officers take the position that these holiday and longevity pay laws do not apply to the Commission or its employees and that the Department of Examiners' findings were therefore in error. The Commission officers deny any liability and deny that any Commission employees are entitled to any additional compensation whatsoever.

The named Plaintiffs sued the Commission officers alleging that they, as well as other past and present Commission employees, had not been paid the amount of longevity pay bonuses to which they were entitled under Alabama law and that they had not properly been compensated for working on State holidays that were not observed at the Rocket Center. The named Plaintiffs assert claims against the Commission officers in their official capacities seeking (1) a judgment declaring that the Commission's existing policies and compensation plan do not comply with the holiday and longevity pay statutes at issue ("declaratory-relief claim") and (2) an award of all monies Plaintiffs claim they are due under the applicable holiday and longevity pay laws ("money-relief claim"). The trial court determined, and the Alabama Supreme Court agreed, that these claims can be pursued by the named Plaintiffs as a class action.

### **WHO IS IN THE CLASS?**

The Court has ruled that the lawsuit may proceed as a class action on behalf of the following two (2) subclasses:

- All former and current employees of the Commission who, from 2009 to the present, have received or are receiving longevity pay under the Commission's compensation policy.
- All former and current employees of the Commission who, from 2009 to the present, worked on the following state holidays: George Washington's birthday, Thomas Jefferson's birthday, Confederate Memorial Day, Jefferson Davis's birthday, Columbus Day, Veterans Day, and American Indian Heritage Day.

You are being sent this Notice because available records and information indicate that you may be a member of one or more of these classes.

### **WHAT SHOULD I DO?**

As to the money-relief claim, you have a choice of whether or not to participate in the case. If you wish to participate in the case, then you do not need to do anything at this time. You will be represented by the attorneys appointed by the Court to represent the class.

If you do not wish to participate in the case, then you must submit a written request asking to be excluded from the case to the following address:

Rocket Center Compensation Litigation  
c/o Eric J. Artrip  
Mastando & Artrip, LLC  
301 Washington Street  
Suite 302  
Huntsville, Alabama 35801  
Telephone: (256)532-2222  
Email: [artrip@mastandoartrip.com](mailto:artrip@mastandoartrip.com)

Your written request to be excluded must be postmarked ***on or before June 8, 2019.***

### **WHAT DIFFERENCE DOES IT MAKE?**

If you remain in the class, then you will participate in and be bound by any judgment or settlement pertaining to the money-relief claim. If you exclude yourself from the class, then you will not participate in or be bound by any judgment or settlement pertaining to the money-relief claim. The judgment, whether favorable or not, will include all members who do not request exclusion.

### **WHO IS REPRESENTING THE CLASS?**

The Court has appointed Janice Ingalls and Kamara Bowling Davis to serve as class representatives and has appointed the following attorneys to represent the class:

Eric J. Artrip  
Mastando & Artrip, LLC  
301 Washington Street  
Suite 302  
Huntsville, Alabama 35801  
Telephone: (256)532-2222  
Email: [artrip@mastandoartrip.com](mailto:artrip@mastandoartrip.com)

R. Brent Irby  
McCallum, Hoaglund & Irby, LLP  
905 Montgomery Highway  
Suite 201  
Vestavia Hills, Alabama 35216  
Telephone: (205)824-7767  
Email: [birby@mhcilaw.com](mailto:birby@mhcilaw.com)

### **DO I NEED TO HIRE A LAWYER?**

The Court has appointed the lawyers listed above to represent the Class. As a result, it is not necessary for you to hire a lawyer. However, you may hire your own lawyer if you wish. If you choose to hire your own lawyer, you will be responsible for paying his or her fees yourself.

### **HOW WILL THE ATTORNEYS FOR THE CLASS BE PAID?**

The attorneys for the class are representing the class on a contingent basis. This means that they will be compensated only if they help obtain a recovery for the class. Any compensation that the attorneys receive must be approved by the Court. You will not be required to pay their fees or any expenses that they incur from your pocket. Instead, any payment that the attorneys receive will be paid from any recovery to the class as determined by the Court.

### **WHAT WILL HAPPEN NEXT?**

After class members receive this Notice and the time to request exclusion has passed, Class Counsel will continue to litigate this case against the Defendants. The parties will engage in discovery, which will likely involve depositions of certain class members. After the parties engage in discovery, the parties will ask the trial Court to rule on legal questions. If the trial Court's legal rulings do not resolve all of the issues in the case, then the case may proceed to trial.

**WHAT SHOULD I DO IF I HAVE QUESTIONS?**

If you have questions about the case, you may call one of the attorneys appointed by the Court to represent the class. If you wish to read more about the lawsuit, the complaint and other papers that have been filed in the case are available for your review at the offices of the lawyers listed above, and at the Clerk's office which is located at the Madison Circuit Court, 100 Northside Square, Huntsville, Alabama 35801.

**DO NOT CALL THE CLERK OF THE COURT IF YOU HAVE QUESTIONS.**

**PLEASE ADDRESS ALL QUESTIONS TO ONE OF THE ATTORNEYS FOR  
THE CLASS LISTED ABOVE.**

Please be prepared to provide your name, address and telephone number to Class Counsel.

Or you may find information on the following website:

[www.USS&RCLASSACTION.com](http://www.USS&RCLASSACTION.com)

**DONE this 8<sup>th</sup> day of April, 2019.**

**/s/ CHRIS COMER**  
**CIRCUIT JUDGE**