

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

WARREN HAMMEL, BRIAN  
BLOOMFIELD and ARVIOLA PEMAJ,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

NASHVILLE CENTER FOR  
REHABILITATION AND HEALING, LLC,

Defendant.

Civil No.: 3:22-cv-1011

JUDGE CAMPBELL  
MAGISTRATE JUDGE FRENSELY

COLLECTIVE ACTION COMPLAINT

NOTICE TO COLLECTIVE CLASS  
MEMBERS

**IMPORTANT NOTICE TO COLLECTIVE CLASS MEMBERS**

**Please read carefully. Your legal rights may be affected**

TO: All Current and Former Hourly-Paid Physical Therapists, Occupational Therapists, Speech Therapists and Therapist Assistants Who Worked at the Nashville Center for Rehabilitation and Healing, LLC at Any Time Since May 15, 2020.

RE: **LAWSUIT ASSERTING VIOLATIONS OF FEDERAL WAGE LAWS AGAINST THE NASHVILLE CENTER FOR REHABILITATION AND HEALING, LLC FOR FAILING TO PAY OVERTIME**

<b>File a Consent Form</b>	If you wish to recover damages under federal law in this lawsuit, you <b>MUST</b> file the Consent Form attached to this Notice.
<b>Do Nothing</b>	By choosing not to file a Consent Form, you will not be permitted to recover compensation for alleged violations of federal wage laws in this lawsuit.

**1. INTRODUCTION**

The purpose of this Notice is: 1) to inform you of the existence of a collective action lawsuit in which you, as a current or former hourly-paid physical therapist, occupational therapist, speech

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therapist or therapist assistant who worked at the Nashville Center for Rehabilitation and Healing (the “Nashville Center” or “Defendant”) are potentially “similarly-situated” to the named Plaintiffs; 2) to advise you of how your rights may be affected by this lawsuit; and 3) to instruct you on the procedure for participating in this lawsuit. You have been sent this Notice because the Nashville Center’s records indicate that you are an eligible Collective Class Member.

## **2. DESCRIPTION OF THE LAWSUIT**

On December 13, 2022, Warren Hammel and Brian Bloomfield (“Plaintiffs”) brought this lawsuit against Defendant on behalf of themselves and all other past and present hourly-paid physical therapists, occupational therapists, speech therapists and therapist assistants who worked at the Nashville Center at any time since December 13, 2019. On January 11, 2024, an amended complaint was filed adding Arviola Pemaj as an additional Plaintiff.

Plaintiffs allege that therapists and therapist assistants were required or permitted to work off the clock, due at least in part to Defendant’s unrealistic productivity standards and/or inadequate staffing. As a result, Plaintiffs allege that therapists and therapist assistants did not receive overtime pay to which they were entitled in violation of the federal Fair Labor Standards Act. Defendant denies these claims, denies that therapists or therapist assistants worked off the clock, and contends that all therapists and therapist assistants were appropriately paid.

Plaintiffs seek to recover unpaid overtime compensation for themselves and all other current and former hourly-paid therapists and therapist assistants who worked at the Nashville Center at any time since May 15, 2020. In addition, Plaintiffs seek to recover an additional equal amount as liquidated damages (*i.e.* double damages) for themselves and all other current and former hourly-paid therapist and therapist assistants, as well as an award of pre-judgment and post-

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judgment interest, attorney's fees and costs. Defendants deny that Plaintiffs are entitled to these damages.

This lawsuit is currently in the early pretrial stage.

### **3. HOW TO JOIN THIS LAWSUIT**

If you believe that you were not properly compensated and did not receive overtime pay you were entitled to receive, you **MUST** complete the accompanying Consent Form to join this lawsuit. You may do so by completing the Consent Form and mailing it in the postage pre-paid envelope provided. You may also join this lawsuit by sending the Consent Form to Plaintiffs' counsels' staff, either by electronic mail or telefax:

Pamela L. Pardee ([ppardee@dickinsonwright.com](mailto:ppardee@dickinsonwright.com)) or  
Missy Council ([mcouncil@dickinsonwright.com](mailto:mcouncil@dickinsonwright.com))  
**844-670-6009 (telefax)**

You may also complete a Consent Form online at [www.careriteclassaction.com](http://www.careriteclassaction.com).

You **MUST** complete the Consent Form online or complete and return the Consent Form by e-mail, fax, or mail to Plaintiffs' counsel in sufficient time to have Plaintiffs' counsel file it with the federal court on or before **July 2, 2024**. If you fail to return the Consent Form to Plaintiffs' counsel or submit it online in time for it to be filed with the federal court on or before the above deadline date, it may prevent you from participating in this lawsuit.

### **4. QUESTIONS REGARDING THIS NOTICE**

If you have any questions regarding this Notice, you can contact Plaintiffs' counsel:

Martin D. Holmes ([mdholmes@dickinsonwright.com](mailto:mdholmes@dickinsonwright.com))  
Autumn Gentry ([agency@dickinsonwright.com](mailto:agency@dickinsonwright.com))  
Dickinson Wright PLLC  
424 Church Street, Suite 800  
Nashville, Tennessee 37219  
615-242-0434

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## **5. LEGAL EFFECT OF JOINING THIS SUIT**

If you choose to join this suit, you will be bound by any judgment entered, although you cannot be required to pay Defendant's attorney's fees whether Plaintiffs win or lose this suit. While this suit is proceeding, you may be required to respond to written questions, sit for depositions, and/or testify in court.

The attorneys for Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorney's fee. If there is a recovery, the attorneys for the Class will receive a part of any settlement obtained or money judgment entered in favor of all members of the Class.

By joining this lawsuit, you designate the named Plaintiffs (the Class Representatives) as your agents to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning attorney's fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by the Representative Plaintiffs or Class Representatives will be binding on you if you join this lawsuit.

## **6. LEGAL EFFECT OF NOT JOINING THIS SUIT**

If you choose not to join this suit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. If you choose not to join in this lawsuit, you are free to retain your own attorney and file your own lawsuit. In the event that you choose not to join in this lawsuit or file your own lawsuit, any claim that you may have for unpaid overtime may become partially or completely time-barred.

## **7. NO RETALIATION PERMITTED**

Federal law prohibits an employer from firing you or taking any other adverse employment

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action against you because you have exercised your legal right to participate in this lawsuit or because you have otherwise exercised your rights under the federal overtime law. This means the Defendant, its owners, affiliates, officers, directors and/or any managers are forbidden from treating you differently because you participate in this lawsuit.

## **8. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join this suit, your interests will be represented by the named Plaintiffs or Class Representatives through their attorneys, as counsel for the Class. Counsel for the Class are:

Martin D. Holmes ([mdholmes@dickinsonwright.com](mailto:mdholmes@dickinsonwright.com))  
Autumn Gentry ([agentry@dickinsonwright.com](mailto:agentry@dickinsonwright.com))  
Dickinson Wright PLLC  
424 Church Street, Suite 800  
Nashville, Tennessee 37219  
615-242-0434

Because the Court has conditionally certified this case as a collective action, if you participate in this lawsuit you will be represented by Class counsel identified above. Defendant, and its owners, affiliates, officers, directors, and management staff are not permitted to discuss this case with you or to discuss whether you should or should not be included in the lawsuit.

## **9. FURTHER INFORMATION**

Further information about this Notice, the deadline for filing a "Plaintiff Consent Form," or questions concerning this lawsuit may be obtained by writing, e-mailing, or telephoning Plaintiffs' counsel at the number and address stated above.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, THE HONORABLE WILLIAM L. CAMPBELL, JR., FEDERAL DISTRICT COURT JUDGE. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF DEFENDANT'S DEFENSES.**

**PLEASE DO NOT CONTACT THE DISTRICT COURT JUDGE, CLERK, OR STAFF REGARDING THIS NOTICE.**

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