

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS**

*James v. Boyd Gaming Corporation, et al*

Case No. 19-2260-DDC-JPO

**NOTICE OF CONDITIONALLY CERTIFIED COLLECTIVE ACTION LAWSUIT**

**PLEASE READ THIS NOTICE CAREFULLY**

**YOUR LEGAL RIGHTS MAY BE AFFECTED BY THIS LAWSUIT**

You are receiving this Court-authorized Notice because you are a current or former employee of Boyd Gaming Corporation (“Boyd Gaming”) who worked at a relevant Boyd Gaming casino during the relevant time, as more specifically described below. According to Boyd Gaming’s records, you are eligible to participate in this lawsuit to potentially recover unpaid wages and other damages under the Fair Labor Standards Act. **To participate, you must complete, sign, and return the enclosed Consent to Join Form postmarked by August 3, 2021, or submit the Consent to Join Form online by going to [www.BoydGamingWageLawsuit.com](http://www.BoydGamingWageLawsuit.com), using your Login ID and Confirmation Code provided on the Consent to Join form.**

**What is the Lawsuit about?**

Plaintiff Roger James worked as a tipped employee for Boyd Gaming at its Kansas Star Casino where he was paid a base hourly wage below the federal minimum wage of \$7.25 per hour and participated in a tip pooling arrangement. He filed a lawsuit individually and on behalf of other similarly situated employees against Boyd Gaming alleging it violated the Fair Labor Standards Act (“FLSA”) by: (1) failing to provide notice of the FLSA’s tip credit requirements as required by the FLSA; and (2) distributing tips (or tokes) from the table games dealers’ tip pool to Dual Rate Supervisors for Paid Time Off (“PTO”) that they accrued in their capacity as a non-tipped, supervisor. Boyd Gaming contends all employees were properly provided notice of the tip credit requirements, and that all PTO was properly paid, consistent with relevant local token pool guidelines. It denies that it violated the FLSA.

Plaintiff James sought to represent similarly situated employees at various Boyd Gaming casinos. The Court granted that request in a Memorandum and Order dated March 2, 2021, which is why you are receiving this Notice and being given the opportunity to join this lawsuit. You may receive this Notice and information about this lawsuit in a variety of forms, including via U.S. Mail, email and text message.

The Court has not decided which side is right. By conditionally certifying this lawsuit as a collective action and issuing this notice, the Court is not suggesting that the Plaintiff will win or lose the case.

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<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>PARTICIPATE BY RETURNING YOUR CONSENT TO JOIN FORM</b>	<p>If you choose to be included in this lawsuit, you will be bound by its outcome, which includes sharing in any money judgment or settlement that may be secured. You give up any rights to separately sue Boyd Gaming about the same legal claims in this lawsuit.</p> <p><b>To be included in this lawsuit, you must complete, sign, and return the enclosed Consent to Join Form postmarked by August 3, 2021, or submit the Consent to Join Form online by going to <a href="http://www.BoydGamingWageLawsuit.com">www.BoydGamingWageLawsuit.com</a>, using your Login ID and Confirmation Code provided on the Consent to Join form.</b></p>
<b>DO NOTHING</b>	<p>If you do not want to participate in this lawsuit, you do not need to do anything. If you do nothing, you will not be bound by any outcome in this litigation and may retain your right to sue Boyd Gaming separately. However, your statute of limitations continues to run, and you will not be able to later elect to participate in this action. Further, if this action results in a money judgment or settlement, you will not be able to receive any portion of those benefits.</p>

**How do I participate in the lawsuit?**

To participate in the lawsuit, you must complete, sign, and return the enclosed Consent to Join Form postmarked by **August 3, 2021**. There are two ways for you to return your Consent to Join Form:

Option 1 – Mail Your Consent to Join Form: You can mail your completed and signed Consent to Join Form to the notice administrator using the postage pre-paid return envelope enclosed with this Notice.

Option 2 – Electronically Submit Your Consent to Join Form: You can complete, sign, and submit your Consent to Join Form online by going to [www.BoydGamingWageLawsuit.com](http://www.BoydGamingWageLawsuit.com), using your Login ID and Confirmation Code provided on the Consent to Join form.

**What are my options?**

You have two options.

Option 1 – Participate in the Lawsuit: Your first option is to participate in this lawsuit by returning your Consent to Join Form as described above. If you do that, you will (a) join the litigation as an opt-in plaintiff, (b) be bound by any judgment in the case, and (c) have the opportunity to share in any money judgment or settlement that might be secured in this case. You will be giving up your right to separately sue Boyd Gaming regarding the claims in this case.

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Option 2 – Do Nothing, Do Not Participate in the Lawsuit: Your second option is to do nothing. If you do nothing, you will not participate in the lawsuit. You will not be bound by any judgment in the lawsuit and will not share in any potential money judgment or settlement. You will preserve your right to separately sue Boyd Gaming regarding the claims in this case at your own expense. Your statute of limitations for the claims in this case will continue to run.

**Why did I get this Notice?**

You received this Notice because Boyd Gaming’s records show you are a member of one or both of the following groups of people that the Court authorized to receive this Notice and be given an opportunity to participate in this lawsuit:

**GROUP 1**

**The Tip Credit Notice Collective**

All persons employed at a relevant Boyd Gaming casino during the relevant time period and paid a base hourly wage of less than the applicable federal minimum wage of \$7.25 per hour.

For purposes of the **Tip Credit Notice Collective**, the relevant Boyd Gaming casinos and relevant time period are as follows:

<b><u>Relevant Boyd Gaming Casinos</u></b>	<b><u>Relevant Time Period of Employment</u></b>
Par-A-Dice (Illinois)	Anytime between January 1, 2018 and April 1, 2019
Blue Chip (Indiana)	Anytime between January 1, 2018 and April 5, 2019
Diamond Jo Dubuque (Iowa)	Anytime between January 1, 2018 and March 25, 2019
Diamond Jo Worth (Iowa)	Anytime between January 1, 2018 and March 26, 2019
Kansas Star (Kansas)	Anytime between January 1, 2018 and March 31, 2019
Amelia Belle (Louisiana)	Anytime between January 1, 2018 and March 21, 2019
Delta Downs (Louisiana)	Anytime between January 1, 2018 and April 29, 2019
Evangeline Downs (Louisiana)	Anytime between January 1, 2018 and April 11, 2019
Sam’s Town Shreveport (Louisiana)	Anytime between January 1, 2018 and March 28, 2019
Treasure Chest (Louisiana)	Anytime between January 1, 2018 and May 1, 2019
IP Biloxi (Mississippi)	Anytime between January 1, 2018 and March 25, 2019
Sam’s Town Tunica (Mississippi)	Anytime between January 1, 2018 and April 1, 2019
Valley Forge (Pennsylvania)	Anytime between January 1, 2018 and June 1, 2019

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**GROUP 2**

**The Tip Pool Collective**

All persons employed as a table games dealer and included within a tip pooling arrangement at a relevant Boyd Gaming casino during the relevant time period.

For purposes of the **Tip Pool Collective**, the relevant Boyd Gaming casinos include:

Par-A-Dice (Illinois), Blue Chip (Indiana), Diamond Jo Worth (Iowa), Kansas Star (Kansas), Amelia Belle (Louisiana), Sam's Town Shreveport (Louisiana), Treasure Chest (Louisiana), Sam's Town Tunica (Mississippi), or Valley Forge (Pennsylvania)

For purposes of the **Tip Pool Collective**, the relevant time period is employment at any time between January 1, 2018 and March 29, 2021.

**What is the Plaintiff asking for?**

For the Tip Credit Notice Collective, Plaintiff James is asking the Court to award him and similarly situated employees the difference between their sub-minimum base hourly wage and the federal minimum wage for all hours worked during the relevant time period, plus liquidated damages (double the unpaid minimum wages), attorneys' fees, and costs of the lawsuit.

For the Tip Pool Collective, Plaintiff James is asking the Court to award him and similarly situated employees the difference between their sub-minimum base hourly wage and the federal minimum wage for all hours worked during the relevant time period, along with the tips that were distributed during that time to Dual Rate Supervisors for the PTO hours they accrued in their capacity as a non-tipped supervisor, plus liquidated damages (double the unpaid minimum wages and misappropriated tips), attorneys' fees, and costs of the lawsuit.

**Do I have a lawyer?**

Yes. The Court has appointed Plaintiff's counsel as Class Counsel, and they commonly represent the interests of the Plaintiff and all similarly situated employees that join this lawsuit. You do not have to separately pay Class Counsel. If the lawsuit results in a money judgment or settlement, Class Counsel will seek their attorneys' fees and costs as a percentage of the overall recovery, or to be separately paid by Boyd Gaming, all subject to Court approval. Class Counsel are:

George A. Hanson  
Todd M. McGuire  
Alexander T. Ricke  
STUEVE SIEGEL HANSON LLP  
460 Nichols Road, Suite 200  
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200 Westwoods Drive  
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**What if I have questions about this Notice or need more information?**

This Notice is only a summary of your rights. If you have any questions about this Notice, how to participate in the lawsuit, or anything else, then you may contact Class Counsel through the Notice Administrator at (844) 990-3833 or [Info@BoydGamingWageLawsuit.com](mailto:Info@BoydGamingWageLawsuit.com). You can also find more information about the lawsuit at [www.BoydGamingWageLawsuit.com](http://www.BoydGamingWageLawsuit.com). A copy of the Plaintiff's Complaint outlining the claims in this lawsuit and the Court's March 2, 2021 Order authorizing this Notice are posted on the website.

The Court is not able to answer questions about the lawsuit or this Notice. Please contact Class Counsel through the Notice Administrator if you have questions or need additional information.

**This is a Court approved Notice. This is not a solicitation or advertisement.**

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