

**REQUEST TO BECOME PARTY PLAINTIFF AND
PROPOSED RETAINER AGREEMENT**

**GOVERNMENT SHUTDOWN- FLSA Claims For NATCA MEMBERS Who Are "EXCEPTED" and Who
Worked During the Shutdown**

I am (or was) employed by the United States of America (USA), for some or all of the period since December 19, 2018 to date during the Government Shutdown and I was an "Excepted" employee who was required to work without pay during the shutdown. I request to be a plaintiff in a lawsuit against the USA and other defendants. My claims against the USA include the Government's failure to pay me overtime pay and minimum wages under the Fair Labor Standards Act (FLSA) during the Government Shutdown. During the Shutdown I was entitled to FLSA overtime compensation as an FLSA non-exempt employee.

In accordance with the confidential Retainer Agreement explained on the reverse side of this paper, I am requesting to retain the law firm of McGillivray Steele Elkin LLP, with offices at 1101 Vermont Ave., N.W., Suite 1000, Washington, D.C. 20005, and if said firm agrees to the retainer, I authorize it to represent me concerning my claims, including declaratory relief, back wages, liquidated damages, interest, attorney's fees and costs. Upon agreeing to represent me, McGillivray Steele Elkin LLP may file this consent in court and take all actions they deem necessary or appropriate, including the settlement and collection of any and all of my claims for FLSA overtime and minimum wage compensation. I understand that the law provides that I cannot be discharged or in any way disciplined or penalized by my employer because of my participation in this lawsuit.

I UNDERSTAND THAT SIMPLY COMPLETING THIS FORM, AND SUBMITTING IT TO THE LAW FIRM OF MCGILLIVRAY STEELE ELKIN LLP ("MSE") DOES NOT MEAN THAT MSE HAS AGREED TO REPRESENT ME. I UNDERSTAND THAT MSE IS NOT MY ATTORNEY NOR HAVE THEY AGREED TO REPRESENT ME UNTIL A REPRESENTATIVE OF MSE SIGNS THE REVERSE SIDE OF THIS PAGE.

REQUEST TO BECOME PARTY PLAINTIFF (FLSA - Government Shutdown)

NAME _____
Last First Middle

HOME ADDRESS _____
Address

City State Zip Code

PHONE (cell) _____ **EMAIL:** _____

JOB TITLE During Government Shutdown: _____

PLAINTIFF SIGNATURE _____

CONTINGENT FEE RETAINER AGREEMENT

GOVERNMENT SHUTDOWN- FLSA Claims For NATCA MEMBERS Who Are "EXCEPTED" and Who Worked During the Shutdown

Upon execution of this Agreement by both parties, I retain and authorize the law firm of McGillivray Steele Elkin LLP ("**MSE**") with offices at 1101 Vermont Ave., N.W., Suite 1000, Washington, D.C. 20005, to represent me with respect to my claims under the Fair Labor Standards Act (FLSA). Such attorneys are authorized to take all steps they deem necessary or appropriate regarding the pursuit of this case and the settlement of such case. I understand that the out-of-pocket costs (filing fees, transcript costs, copying etc.) of this litigation are being paid by the National Air Traffic Controllers Association (NATCA), and that in the event that plaintiffs recover damages, attorneys' fees and/or expenses from the Government, the expenses advanced on my behalf will be repaid out of the recovery before I receive any damages. I understand that I am paying the legal fees pursuant to a contingent fee.

In consideration of the services of **MSE**, I agree to pay such attorneys 25% (twenty-five percent) of my total gross recovery (inclusive of any attorneys' fees recovered from the defendant) as attorneys' fees. If the claims brought on my behalf result in no recovery, I will have no obligation to pay attorneys' fees. In the event the fees to be paid by defendants exceed the contingent fee, such fees will be paid to **MSE** and I will not have to pay any contingent fee on my damages.

I authorize the filing in my name of an attorneys' lien with the Office of Personnel Management and the United States or with any court or administrative entity of competent jurisdiction to secure payment of my obligation to pay attorneys' fees under this agreement. I also direct that any monetary award be issued by check either made payable to **MSE** as trustee on my behalf, or payable jointly to me and such firm, which is empowered with my power of attorney to endorse the check, to withhold the amount due as payment for legal services and to forward the appropriate amount that is due me.

The plaintiff identified below is aware that until he/she receives a copy of this consent form, with Gregory K. McGillivray's signature on it, and a letter from MSE agreeing to represent the plaintiff, MSE has not agreed to represent the plaintiff.

DATE: _____

GREGORY K. MCGILLIVARY
McGillivray Steele Elkin LLP

DATE: _____

PLAINTIFF SIGNATURE

PLAINTIFF PRINTED NAME

PLAINTIFF SSN# (*REQUIRED*)