

FRIERSON, WALKER, SNELGROVE & LASER

CHARLES FRIERSON (1907-1970)
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PHONES
AREA CODE 501
932-6387-932-6356-932-6365

December 2, 1985

TO WHOM IT MAY CONCERN:

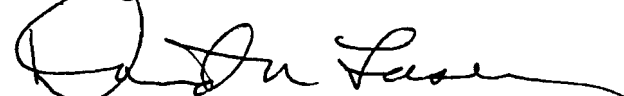
RE: DICKIE ROBERTS AND JOHNNY RICKMAN, Plaintiffs vs.
CITY OF JONESBORO, Defendant — U.S. DISTRICT COURT,
EASTERN DISTRICT OF ARKANSAS, JONESBORO DIVISION,
NO. J-C-85-326

At the request of various members of the Jonesboro Police Department, I have reviewed the Complaint filed in the above matter on November 6, 1985, towards the end of determining whether or not the Complaint states a "class action". Based on a review of the Complaint and a very limited amount of legal research, it appears that the Complaint is brought as a potential "class action" under Rule 23 of the Federal Rules of Civil Procedure. It must be understood, however, that under Rule 23 this is not technically a "class action" until the Court enters an Order holding that it is maintainable as a class action, which is to be done "as soon as practicable after the commencement of an action brought as a class action". The prerequisites to a class action include the following four items, to wit:

- (1) The class is so numerous that joinder of all members is impracticable;
- (2) There are questions of law or fact common to the class;
- (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class;
- (4) The representative parties will fairly and adequately protect the interest of the class. (See Rule 23(a))

Given a little more time, I could do a more thorough job of researching this question but the above represents my preliminary opinion at this time.

Best regards,



David N. Laser

DNL:eb

November 26, 1985

Mayor and City council
City of Jonesboro
Jonesboro, Arkansas 72401

Ref: Roberts and Rickman, et. al. vs City of Jonesboro

Gentlemen:

The above action, which has been filed by two employees of the Jonesboro Fire Department, states, in part, that is is filed "on behalf of themselves and other employees similarly situated in supplying services to the defendant who during the course of this action, file notices of consent to become parties plaintiff, within the meaning of 29 U.S.C. sec.216 (b)."

We, the undersigned officers of the Jonesboro Police Department, hereby state that we are not now and do not intend to consent to become parties plaintiff under the terms of 29 U.S.C. sec. 216 (b) with respect to the above lawsuit.

We, the undersigned officers of the Jonesboro Police Department hereby state that we are supervisory personell of the Jonesboro Police Department and do not fall under the guide lines of the minimum wage and hour laws as set forth by the Federal Fair Labor Standards Act.

Asst Chief Marvin Cook
Capt. Robert L. Smith
Capt. P. Kymel Cowley
Capt. Wayne H. Ward
Leapt H. L. Meadows