

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

CHARLES SLAVIK, CARLY)
DEMBECK, and JOSH FOUNTAIN,)
on behalf of themselves and others)
similarly situated,)
)
Plaintiffs,)
v.)
)
AUTHOR SOLUTIONS, INC.,)
AUTHORHOUSE, INC., iUNIVERSE, INC.,)
XLIBRIS, CORP., TRAFFORD PUBLISHING,)
INC., and WORDCLAY, INC.,)
)
Defendants.)

Court File No.: 1:10-cv-0257 LJM-TAB

NOTICE OF PENDENCY OF LAWSUIT

TO: ALL CURRENT AND FORMER PUBLISHING CONSULTANTS, MARKETING CONSULTANTS, BOOK CONSULTANTS, EDITORIAL CONSULTANTS, BOOK SALES REPRESENTATIVES, AUTHOR SERVICES REPRESENTATIVES, CHANNEL BOOK SALES REPRESENTATIVES OR LEAD DEVELOPERS WHO HAVE WORKED FOR AUTHOR SOLUTIONS, INC., (INCLUDING AUTHORHOUSE, INC., IUNIVERSE, INC., XLIBRIS, CORP., TRAFFORD PUBLISHING, INC. AND WORDCLAY, INC.), AT ANY TIME BETWEEN MAY 27, 2007 AND MAY 27, 2010.

RE: FAIR LABOR STANDARDS ACT OVERTIME LAWSUIT.

INTRODUCTION

The purpose of this Notice is to inform you of a collective action lawsuit in which you are potentially “similarly situated” to the named Plaintiffs, to advise you of how your rights may be affected by this action, and to inform you of the procedure for making a claim should you choose to do so.

DESCRIPTION OF THE ACTION

On March 4, 2010, an action was filed against Defendants Author Solutions, Inc., AuthorHouse, Inc., iUniverse, Inc., Xlibris Corp., Trafford Publishing, Inc., and WordClay, Inc.

(collectively referred to as “Author Solutions”), on behalf of the named Plaintiffs Charles Slavik, Carly Dembeck, Josh Fountain, and all other similarly situated individuals who worked in inside sales positions as publishing consultants, marketing consultants, book consultants, editorial consultants, book sales representatives, author services representatives, channel book sales representatives or lead developers during the past three years. Specifically, the action alleges that these individuals are owed overtime pay under the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207, for hours worked in excess of forty (40) per week. Plaintiffs also seek an additional amount as liquidated damages, as well as attorneys’ fees and costs. This litigation is currently in the early pretrial stage.

Author Solutions denies Plaintiffs’ allegations.

PERSONS ELIGIBLE TO RECEIVE THIS NOTICE

The U.S. District Court has ordered this FLSA Notice be distributed to all persons who work or have worked for Author Solutions as:

**Publishing Consultants,
Marketing Consultants,
Book Consultants,
Editorial Consultants,
Book Sales Representatives,
Author Services Representatives,
Channel Book Sales Representatives, and/or
Lead Developers.**

To be eligible for this lawsuit, you must have also worked, at any time from May 27, 2007 to May 27, 2010, over forty (40) hours in any given workweek without receiving overtime pay.

YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you fit the definition above, you may choose to join this action by mailing, faxing, or emailing the attached Plaintiff Consent Form to Plaintiffs’ counsel at the following address:

**Nichols Kaster, PLLP
Attn. Rebekah L. Bailey
4600 IDS Center, 80 South Eighth Street
Minneapolis, MN 55402-2242
Toll-Free Telephone: (877) 448-0492
Facsimile: (612) 215-6870
bailey@nka.com**

The Plaintiff Consent Form must be received in sufficient time for Plaintiffs' counsel to file it with the Court on or before **August 9, 2010**. If you do not return the enclosed Plaintiff Consent Form, you will not be included in this lawsuit.

EFFECT OF JOINING OR NOT JOINING THIS LAWSUIT

If you choose to join this action, you and Author Solutions will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable. If you do not join this action, you will not be bound by any ruling, judgment, award, or settlement, entered in this case, favorable or unfavorable. If you do not wish to join this action, you are free to take action on your own.

If you file a Plaintiff Consent Form, your continued right to participate in this action will depend upon a later decision by the Court that you and the named Plaintiffs are "similarly situated" in accordance with applicable laws, and that it is appropriate for this case to proceed as a collective action. If you file a Plaintiff Consent Form, you may be required to provide information and documents, sit for depositions, and/or testify in court.

STATUTE OF LIMITATIONS

The FLSA has a maximum statute of limitations of three years. If you choose to join this action, or choose to bring your own action, you may be able to recover damages if you were improperly denied overtime compensation during weeks worked within three years of the date you file your Plaintiff Consent Form. If you choose not to join in this action or file your own action, some or all of your potential claims may later be barred by the applicable statute of limitations.

NO RETALIATION PERMITTED

The law prohibits retaliation against employees for exercising their rights under the FLSA. Therefore, Author Solutions is prohibited from discharging you or retaliating against you in any other manner because you choose to participate in this action.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this case by filing a Plaintiff Consent Form, you will be agreeing to representation by Plaintiffs' Counsel:

**Nichols Kaster, PLLP
Paul Lukas, Michele Fisher, and Rebekah Bailey
4600 IDS Center, 80 South 8th Street**

Minneapolis, MN 55402
Toll Free Telephone: (877) 448-0492
Facsimile: (612) 215-6870
Website: www.overtimecases.com

The attorneys are being paid on a contingency fee and/or statutory basis, which means that if there is no recovery, there will be no attorneys' fees. If there is a recovery, the attorneys will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. The specific terms and conditions of representation will be contained in a fee agreement entered into by the attorneys and you.

FURTHER INFORMATION

Further information about this lawsuit or this notice can be obtained by contacting Plaintiffs' counsel at the address or toll-free telephone number provided above.

CONCLUSION

THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA. THE COURT HAS EXPRESSED NO OPINION IN THIS CASE ABOUT THE MERITS OF PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES OR ABOUT WHETHER ELIGIBLE PERSONS SHOULD JOIN.

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