

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL TREVORAH, <i>et al.</i> ,	:	
	:	
Plaintiff,	:	3:16-cv-00492-JMM
v.	:	
	:	
LINDE CORPORATION,	:	
	:	
Defendant.	:	

PLAINTIFF’S MOTION FOR CONDITIONAL CERTIFICATION

Plaintiff Michael Trevorah, on behalf of himself and the 25 other individuals who already have joined this action, hereby moves, pursuant to 29 U.S.C. § 216(b), for conditional certification of the following collective:

All individuals who, during *any* week since March 22, 2013, have been employed by Linde Corporation (or any affiliated business entity) under a compensation system that included Extra Compensation Units (a.k.a. “Additional Compensation Units” or “ECUs”).¹

Conditional certification of the above collective is warranted for reasons that will be described in Plaintiff’s brief and accompanying documents (all of which will be filed within 14 days pursuant to Local Civil Rule 7.5).

WHEREFORE, Plaintiff respectfully requests that the Court grant this motion and sign and enter the accompanying proposed order.

¹ The proposed collective does not include approximately 29 individuals who **both**: (i) are listed in Exhibit A of the complaint in Perez v. Linde Corporation, 3:16-cv-00492-JMM and (ii) have not already joined this action.

Date: April 5, 2017

Respectfully,

/s/ Peter Winebrake

Peter Winebrake

R. Andrew Santillo

Mark J. Gottesfeld

WINEBRAKE & SANTILLO, LLC

715 Twining Road, Suite 211

Dresher, PA 19025

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<hr/>		:	
MICHAEL TREVORAH, <i>et al.</i> ,		:	
	Plaintiff,	:	
v.		:	3:16-cv-00492-JMM
		:	
LINDE CORPORATION,		:	
	Defendant.	:	
<hr/>		:	

ORDER

AND NOW, this ____ day of _____, 2017, upon consideration of Plaintiff’s Motion for Conditional Certification, see Doc. 63, Plaintiff’s accompanying brief and exhibits, Defendant’s response, and all other papers and proceedings herein, it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. This action is conditionally certified, pursuant to 29 U.S.C. § 216(b), on behalf of the following collective: **All individuals who, during *any* week since March 22, 2013, have been employed by Linde Corporation (or any affiliated business entity) under a compensation system that included Extra Compensation Units (a.k.a. “Additional Compensation Units” or “ECUs”).**¹

Such individuals are referred to herein as “Collective Members.”

¹ The proposed collective does not include approximately 29 individuals who both: (i) are listed in Exhibit A of the complaint in Perez v. Linde Corporation, 3:16-cv-00492-JMM and (ii) have not already joined this action.

2. Within five (5) business days of the entry of this Order, the parties must jointly submit to the Court proposed language for a notification form to be approved by the Court informing all Collective Members who have not already joined this action of their right to participate in this action pursuant to 29 U.S.C. § 216(b). In drafting the proposed notification language, the parties should “be scrupulous to respect judicial neutrality” and “take care to avoid even the appearance of judicial endorsement of the merits of the action.” Hoffman-LaRoche Inc. v. Sperling, 493 U.S. 165, 174 (1989); and

3. Within five (5) business days after the entry of this Order, Defendant must produce to Plaintiff’s counsel an Excel spreadsheet listing the name, last known address, and last known phone number of all Collective Members.

SO ORDERED:

Honorable James M. Munley

CERTIFICATE OF NON-CONCURRENCE

I hereby certify, pursuant to Local Civil Rule 7.1, that I have sought the concurrence of defense counsel with respect to the accompanying motion and have been informed that defendant does not concur in the relief sought therein.

Date: April 5, 2017

/s/ Peter Winebrake
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
(215) 884-2491