



Members.”

3. Nothing herein prevents Defendants from taking future steps to decertify or modify the collective defined in Paragraph 3.

4. Within seven (7) calendar days of the Court’s entry of this Order, Defendants’ counsel will email to Plaintiffs’ counsel an Excel spreadsheet containing the name and last known address of each Putative Collective Member. This list will be accompanied by a sworn declaration attesting that the list is complete and includes all known Putative Collective Members.

5. Within fourteen (14) calendar days of the Court’s entry of this Order, Plaintiffs’ counsel will mail to all Putative Collective Members (other than current Plaintiffs Liana Sexton, Stefanie Acosta, Brooke Bobb, Kristy Bosley, Eryn Goolsby, Elizabeth Jacoby, Krista Moyer, Nanci Orris, Laci Peiffer, and Lindsay Wood) finalized copies of the attached “Notice of Collective Action Lawsuit” form, “Consent to Join” form (“Consent Form”), and a postage-paid return envelope bearing Plaintiffs’ counsel’s address (collectively the “Notice Package”). Plaintiffs’ counsel will pay all postage and printing costs associated with the preparation and mailing of the Notice Packages. If any Notice Package is returned as undeliverable, Plaintiffs’ counsel will make all reasonable efforts to update the address information and re-send the Notice Package.

6. In order to participate in this the FLSA claim asserted in this action, a

Putative Collective Member must complete his/her Consent Form and return it in an envelope postmarked on or before the deadline indicated in the Notice Package, which will be set at forty-nine (49) calendar days after the initial mailing date. The current Plaintiffs listed in Paragraph 5 above are not required to return a Consent Form.

7. Plaintiff's counsel will file with the Court each completed Consent Form within two (2) business days of receipt. Prior to filing, the parties' counsel will confer in good faith to amicably resolve any disputes concerning the completeness or timeliness of any form.

8. Within seventy (70) calendar days of the Court's entry of this Order, the parties will provide the Court with a proposed schedule for the remainder of this litigation.

9. Discovery is **STAYED** pending the completion of the above-described notice and opt-in process.

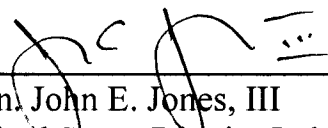
/s/ R. Andrew Santillo  
Counsel for Plaintiffs

November 8, 2016  
Date

/s/ Rick L. Hackman  
Counsel for Defendants

November 8, 2016  
Date

**SO ORDERED:**

  
\_\_\_\_\_  
Hon. John E. Jones, III  
United States District Judge

11-9-16  
Date

[insert date]

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

*Liana Sexton, et al. v. JDK Management Company, L.P.*, 1:16-cv-01594-JEJ  
United States District Court, Middle District of Pennsylvania

**TO:** [INSERT NAME]

**PLEASE READ THIS NOTICE CAREFULLY**

**INTRODUCTION**

This Notice informs you of the existence of a collective action lawsuit seeking unpaid wages under federal law. You have a right to participate in the lawsuit.

**DESCRIPTION OF THE LAWSUIT**

In August 2016, Liana Sexton (“Plaintiff”) started this lawsuit against JDK Management Company, L.P. and related companies (“JDK”). Since that time, [insert number] additional individuals have joined the lawsuit. The lawsuit is proceeding in the United States District Court in Scranton, PA and is assigned to United States District Judge John E. Jones, III.

The lawsuit alleges that JDK violated federal and state wage law by requiring servers, waiters, and waitresses at their York, Pennsylvania Quaker Steak and Lube restaurant to contribute a portion of their tips to a tip pool that was partially distributed to Expos (a.k.a. Expeditors) who primarily worked in the kitchen area and did not regularly interact with customers. The lawsuit seeks to recover approximately \$4.00 for each hour worked by servers, waiters, and waitresses since August 1, 2013. The lawsuit also seeks the recovery of liquidated damages and attorney’s fees and expenses.

JDK denies liability and asserts that its pay practices are legal.

The Federal Court has not yet decided who will win.

**RETALIATION PROHIBITED**

If you join the lawsuit, federal law prohibits JDK from retaliating against you as a result of your participation.

**HOW TO JOIN THE LAWSUIT**

You may join the lawsuit by completing the enclosed “Consent to Join” form and returning it in the enclosed envelope to Plaintiff’s lawyers at the following address:

Winebrake & Santillo, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025

Your return envelope must be postmarked by [insert date]. If you fail to meet this deadline, you will not be allowed to participate in the lawsuit.

**EFFECT OF JOINING THE LAWSUIT**

If you join the lawsuit, you will be bound by the judgment of the Federal Court on all issues, including the reasonableness of any settlement. If the Federal Court finds in favor of Plaintiffs, you will receive a money payment. If the Federal Court finds in favor of the Company, you will receive nothing.

**EFFECT OF NOT JOINING THE LAWSUIT**

If you do not join the lawsuit, you will not be affected by any judgment or settlement resulting from the lawsuit.

**YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you join the lawsuit, you will be represented by Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025. The firm's website is [www.winebrakelaw.com](http://www.winebrakelaw.com), and its phone number is (215) 884-2491.

You will not be required to pay any fees to the above law firm. The firm has taken this case on a "contingency" basis. If the lawsuit is unsuccessful, the firm will receive nothing. If the lawsuit results in a recovery, the firm will ask the Federal Court to award legal fees separate and apart from your recovery.

Please call the above law firm if you have any questions or desire any additional information about the lawsuit.

**THIS NOTICE HAS BEEN AUTHORIZED BY UNITED STATES DISTRICT JUDGE JOHN E. JONES, III. THE COURT HAS TAKEN NO POSITION REGARDING THE LAWSUIT'S MERITS.**

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

\_\_\_\_\_  
LIANA SEXTON, *et al.*,

v.

\_\_\_\_\_  
JDK MANAGEMENT COMPANY, L.P., *et al.*,

:  
:  
: 1:16-cv-01594-JEJ  
:  
:  
:

**CONSENT TO JOIN**

I have read the accompanying document entitled "NOTICE OF COLLECTIVE ACTION LAWSUIT," and I hereby consent to participate as a party plaintiff in the above-captioned action and to pursue all claims asserted therein. I agree to be represented by Winebrake & Santillo, LLC (Dresher, PA). I understand that I might be required to provide information about my employment to JDK Company Management, L.P and its attorneys and that I might also be required to testify under oath at a deposition or trial. I also understand that I will be bound by the judgment of the Court on all issues in this case, including the fairness of any settlement.

**PLEASE ANSWER THE FOLLOWING QUESTION:**

While employed as a Server during the time after August \_\_, 2013, did you work at least one day in which an Expo (a.k.a. Expediter) also was on duty?

Yes

No

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Please Print Neatly)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

**Please return to:**

WINEBRAKE & SANTILLO LLC

715 Twining Road, Suite 211

Dresher, PA 19025

Ph: (215) 884-2491

Fax: (215) 884-2492

Email: [asantillo@winebrakelaw.com](mailto:asantillo@winebrakelaw.com)