


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

\_\_\_\_\_  
RANDY WALTZ, *et al.*

v.

\_\_\_\_\_  
AVEDA TRANSPORTATION AND  
ENERGY SERVICES INC. and RODAN  
TRANSPORT USA LTD  
\_\_\_\_\_

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: 4:16-cv-00469-MWB  
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FILED  
WILLIAMSPORT  
JAN 06 2017  
PER   
DEPUTY CLERK

**STIPULATION AND ORDER**  
**APPROVING THE NOTICE AND CONSENT FORMS**

The Court’s Order conditionally certifying the FLSA collective gave the parties until January 6, 2017 to agree upon and jointly submit for the Court’s approval notice and consent forms that comply with Hoffman-LaRoche Inc. v. Sperling, 493 U.S. 165, 174 (1989), and can be sent to the collective. See Doc. 37 at ¶ 3. Per the Court’s instructions, the parties jointly submit the attached notice and consent forms and respectfully request that the Court approve the forms by signing and entering this document.

**FOR PLAINTIFFS:**

/s/ Peter Winebrake  
Peter Winebrake  
Winebrake & Santillo, LLC

**FOR DEFENDANTS:**

/s/ Clayton Davis  
Clayton Davis  
Bracewell, LLP

Now, this 6<sup>TH</sup> day of January, 2017, it is hereby **ORDERED** that this stipulation is **APPROVED** and the accompanying Notice and Consent forms are **APPROVED** for distribution to the conditionally certified FLSA collective.



Matthew W. Brann  
United States District Judge

[insert date]

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

*Waltz v. Aveda Transportation and Energy Services and Rodan Transport, 4:16-cv-00469*  
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 and state law. You have a right to participate in the lawsuit.

**DESCRIPTION OF THE LAWSUIT**

In March 2016, Randy Waltz (“Plaintiff”) started this lawsuit against Aveda Transportation and Energy Services and Rodan Transport (“Aveda/Rodan”). The lawsuit is proceeding in the United States District Court in Williamsport, PA and is assigned to United States District Judge Matthew W. Brann.

The lawsuit alleges that Aveda/Rodan violated federal and state wage laws by failing to pay extra overtime compensation when certain employees worked over 40 hours per week while being paid on a day-rate basis. The lawsuit covers 36 current and former employees who held the Field Supervisor or Truck Push position since October 2013. You have been identified as one of the 36 covered employees.

The lawsuit seeks the recovery of unpaid overtime compensation since October 2013, liquidated damages and attorney’s fees and expenses.

The lawsuit addresses whether the employees covered by the lawsuit were properly classified by Aveda/Rodan as “exempt” from the overtime laws. Plaintiff asserts that the employees were improperly classified as exempt and should have received extra overtime pay. Aveda/Rodan disagrees and asserts that the exempt classification was proper.

The Federal Court has not yet decided who will win.

**RETALIATION PROHIBITED**

If you join the lawsuit, federal law prohibits Aveda/Rodan 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 45 days after initial mailing 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 Plaintiff, 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 Plaintiffs' counsel, Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025 unless you independently retain another law firm of your own choosing. The Winebrake & Santillo 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 MATTHEW W. BRANN. THE COURT HAS TAKEN NO POSITION REGARDING THE LAWSUIT'S MERITS.**

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

_____	:	
RANDY WALTZ, <i>et al.</i> ,	:	
Plaintiff,	:	
v.	:	4:16-cv-00469-MWB
	:	
AVEDA TRANSPORTATION AND	:	
ENERGY SERVICES INC. and RODAN	:	
TRANSPORT USA LTD,	:	
Defendants.	:	
_____	:	

**NOTICE OF CONSENT TO BECOME PARTY PLAINTIFF**

I hereby consent, pursuant to Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. § 216(b), to become a party plaintiff in the above-captioned action. For purposes of this lawsuit, I agree to be represented by Winebrake & Santillo, LLC (Dresher, PA). I understand that I will be bound by the judgment of the Court on all issues in this case, including the fairness of any settlement.

\_\_\_\_\_  
Signature Date

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

\_\_\_\_\_  
Address

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

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

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

To participate in this Action, you must return this form in an envelope postmarked by *[insert date 45 days after initial mailing date]* and addressed to:

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