

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

ROBERT CAMERON,	:	
	:	
v.	:	5:16-cv-06222-JFL
	:	
PALLET EXPRESS INC.	:	
	:	

STIPULATION AND ORDER

Plaintiffs Robert Cameron and Kenneth Cordis (collectively “Plaintiffs”) and Defendant Pallet Express Inc. (“Pallet Express”) hereby **STIPULATE** as follows:

1. The following collective is conditionally certified pursuant to Section 216(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b): All individuals who, during any workweek since November 29, 2013, (i) have been employed at Pallet Express’ Easton, PA or Nazareth, PA plants in positions labeled as Yard Jockey or Forklift Operator; (ii) have been paid on an hourly basis; and (iii) have not received overtime premium compensation for hours worked over 40 per week. Individuals falling within this definition are referred to as “Putative Collective Members.”

2. Pallet Express reserves its right to move to decertify the FLSA collective or otherwise argue that collective litigation is wholly or partially inappropriate.

3. Plaintiffs’ request for class certification under Federal Rule of Civil Procedure 23 is **WITHDRAWN**. However, Opt-In Plaintiffs join the entire action and, as such, pursue all legal claims asserted in the Complaint, including the Pennsylvania Minimum Wage Act (“PMWA”) claim.

4. Within fourteen (14) calendar days of the Court's entry of this Order, Pallet Express' counsel will provide to Plaintiffs' counsel the name and last known mailing address of each Putative Collective Member.

5. Within twenty-one (21) calendar days of the Court's entry of this Order, Plaintiffs' counsel will mail to all Putative Collective Members (other than Robert Cameron and Kenneth Cordis) 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 join the FLSA collective pursuant to 29 U.S.C. § 216(b), 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 thirty-five (35) calendar days after the initial mailing date.

7. Plaintiffs' counsel will file with the Court each completed Consent Form within three (3) business days of receipt.

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

FOR PLAINTIFF:

/s/ Peter Winebrake
Peter Winebrake, Esq.


04/21/2017
Date

FOR DEFENDANT:

/s/ Stanly J. Margle, III
Stanley J. Margle, III, Esq.

4/21/2017
Date

SO ORDERED:


Joseph F. Leeson Jr., J.

4/24/17
Date

April __, 2017

NOTICE OF COLLECTIVE ACTION LAWSUIT

Cameron v. Pallet Express Inc., 5:16-cv-06222-JFL
United States District Court, Eastern District of Pennsylvania

TO: *[INSERT NAME]*

PLEASE READ THIS NOTICE CAREFULLY

INTRODUCTION

This Notice is to inform you of the existence of a collective action lawsuit seeking unpaid wages under federal law on behalf of certain individuals who were employed by Pallet Express Inc. (“Pallet Express”) since November 29, 2013 and did not receive extra overtime compensation equal to one and one-half times their hourly pay for hours worked over 40 per week. You have a right to participate in this lawsuit.

DESCRIPTION OF THE LAWSUIT

In November 2016, Robert Cameron started this lawsuit against Pallet Express which owns and operates plants in Easton and Nazareth, PA. The lawsuit covers the period from November 29, 2013 to the present.

The lawsuit is pending in the United States District Court in Allentown, PA.

The lawsuit alleges that Pallet Express violated federal and state wage laws by failing to pay individuals labeled as Forklift Drivers or Yard Jockeys extra overtime compensation equal to one and one-half times their hourly pay for hours worked over 40 per week. The lawsuit seeks to recover unpaid overtime compensation for hours worked over 40 per week.

Pallet Express vigorously denies that it violated the law in any way and asserts that it has properly classified Forklift Drivers and Yard Jockeys as exempt from the federal and state laws’ overtime provisions under the Motor Carrier Exemption.

The lawsuit is in the early stages. The Judge has not yet decided who will win.

RETALIATION PROHIBITED

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

HOW TO JOIN THE LAWSUIT

You may join the lawsuit by fully completing the enclosed “Consent to Join” form and returning it in the enclosed envelope to the following address:

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

Your return envelope must be postmarked by *[insert 35 days after mailing]*. If you fail to meet this deadline, you will not be able to participate in the lawsuit. The Consent Form will then be filed with the United States District Court. If you choose not to join the lawsuit there is nothing you need to do. It is entirely up to you whether or not to sign and file a Consent Form.

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 Judge finds in favor of Mr. Cameron and the other employees who join this lawsuit, you may be eligible to receive a money payment. If the Federal Court finds in favor of Pallet Express, 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 rendered in this case, whether favorable or unfavorable.

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 (Ph: 215-884-2491; Website: www.winebrakelaw.com).

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

Please feel free to call Winebrake & Santillo if you have any questions or desire any additional information about the lawsuit.

THIS NOTICE HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

THE COURT HAS TAKEN NO POSITION REGARDING THE LAWSUIT'S MERITS.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT CAMERON,

v.

PALLET EXPRESS INC.

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CONSENT TO BECOME PARTY PLAINTIFF

I have read the accompanying document entitled "NOTICE OF COLLECTIVE ACTION LAWSUIT." I hereby consent to participate as a Party Plaintiff in this action pursuant to Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. § 216(b). I agree to be represented by Winebrake & Santillo, LLC (Dresher, PA) and understand that I will be bound by the judgment of the Court on all issues in this action, including the fairness of any settlement.

Signature

Date

Name (Please Print Neatly)

Address

City, State, Zip Code

Phone Number

Email Address

TO PARTICIPATE IN THE LAWSUIT, THE ENVELOPE ENCLOSING THIS FORM MUST BE POSTMARKED ON OR BEFORE *[insert 35 days after mailing]* AND MAILED TO:

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