

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

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FRANCIS CREVATAS, et al.

v.

SMITH MANAGEMENT AND  
CONSULTING, LLC.

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**STIPULATION AND ORDER**

Originating Plaintiff Francis Crevatas (“Crevatas”) and Current Opt-In Plaintiff Christopher Bice (“Bice”) and Defendant Smith Management and Consulting, LLC (“Smith”), by and through their undersigned counsel, hereby **STIPULATE** as follows:

1. The following collective is conditionally certified pursuant to Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b): All individuals who during any workweek since November 30, 2012, were paid (in-whole or in-part) on a day-rate basis by Smith Management and Consulting, LLC. Individuals falling within this definition are referred to as “Putative Collective Members.” Moreover, Putative Collective Members who join this action by following the procedures described in paragraph 6 below are referred to as “Future Opt-In Plaintiffs.”

2. Nothing herein shall be construed as preventing Smith from making future arguments regarding the merits of the underlying matter, procedure, or the propriety of collective certification. In addition to all other arguments which are reserved, Smith specifically reserves all rights to argue that the collective class should be decertified (either in-whole or in-part) or that consultants who signed “Master Service Agreements” or similar documents should be compelled to submit their legal class or individual claims to arbitration.

3. Crevatas’s request for class certification under Federal Rule of Civil Procedure 23 is **WITHDRAWN**. However, Current and Future Opt-In Plaintiffs join the entire action and, as such, pursue all legal claims asserted in the Complaint, including, *inter alia*, the Pennsylvania Minimum Wage Act (“PMWA”) claim. Moreover the limitations period applicable to the FLSA claim of Crevatas is tolled as of December 1, 2015 and the limitations period applicable to the FLSA claim of Bice is tolled as of December 10, 2015.

4. Within seven (7) calendar days of the Court’s entry of this Order, Smith’s counsel will email to Plaintiff’s 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, Plaintiff's counsel will mail to all Putative Collective Members (other than Crevatas and Bice) 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"). Plaintiff's 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, Plaintiff's counsel will make all reasonable efforts to update the address information and re-send the Notice Package.

6. In order to participate in this action as a Future Opt-In Plaintiff, 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.

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.

**FOR PLAINTIFFS:**

/s/ R. Andrew Santillo  
R. Andrew Santillo, Esq.

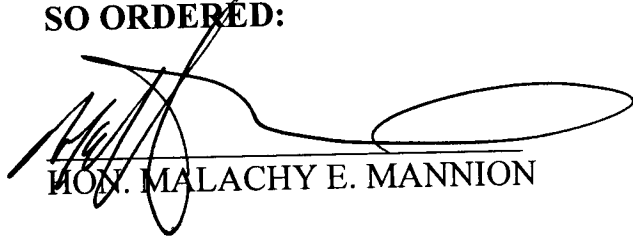
June 23, 2016  
Date

**FOR DEFENDANT:**

/s/ Sean P. McConnell  
Sean P. McConnell, Esq.

June 23, 2016  
Date

**SO ORDERED:**

  
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HON. MALACHY E. MANNION

6-27-16  
Date