

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JASON CARPENTER, <i>et al.</i> ,	:	
	:	
	:	No. 1:17-cv-02043-JBS-AMD
Plaintiffs,	:	
v.	:	
	:	
ALLPOINTS COURIER SERVICE, INC.,	:	
	:	
Defendant.	:	

STIPULATION AND ORDER

AND NOW, this 2nd day of October 2017, Plaintiffs and Defendant 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 time within the past three years, have been employed by Defendant as drivers assigned to Defendant’s yard facility in Swedesboro, New Jersey. Individuals falling within this definition are referred to as “Putative Collective Members.”

2. Nothing herein prevents Defendant from taking future steps to decertify or modify the collective defined in Paragraph 1.

3. Within fourteen (14) calendar days of the Court’s entry of this Order, Defendant’s counsel will email to Plaintiffs’ counsel an Excel spreadsheet containing the name and last known address of each Putative Collective Member, which Defendant affirms, to the best of its knowledge, is true and accurate.

4. 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 current Plaintiffs Jason Carpenter, Thomas Grieb, Matthew Kirk, and Mark Rossi) finalized copies of the attached

“Notice of Collective Action Lawsuit” form, “Consent to Become Party Plaintiff” 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.

5. 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 sixty (60) calendar days after the Court’s entry of this Order. The current Plaintiffs listed in Paragraph 4 above are not required to return a Consent Form.

6. Plaintiff’s counsel will file with the Court each completed Consent Form within two (2) business days of receipt, but still must be filed within sixty (60) calendar days of the Court’s entry of this Order..


s/ R. Andrew Santillo
Counsel for Plaintiffs

October 2, 2017
Date

s/ Kevin M. Doherty
Counsel for Defendant

October 2, 2017
Date

SO ORDERED:


Honorable Jerome B. Simandle
United States District Judge

11-16-17
Date

[ENTER DATE MAILED]

NOTICE OF COLLECTIVE ACTION LAWSUIT

Jason Carpenter, et al. v. AllPoints Courier Service, Inc., 1:17-cv-02043-JBS-AMD
United States District Court, District of New Jersey

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 March 2017, Jason Carpenter (“Plaintiff”) started this lawsuit against AllPoints Courier Service, Inc. (“AllPoints”). Since that time, three additional individuals have joined the lawsuit. The lawsuit is proceeding in the United States District Court in Camden, New Jersey and is assigned to United States District Jerome B. Simandle.

The lawsuit alleges that AllPoints failed to pay its drivers for all time worked. AllPoints denies the truth of Plaintiff’s allegations and denies any liability in connection with Plaintiff’s allegations.

RETALIATION PROHIBITED

If you join the lawsuit, federal law prohibits AllPoints 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 Become Party Plaintiff” 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 received by the law firm listed above by [SIXTY DAYS FROM THE DATE THE COURT ENTERS THE ORDER]. If you fail to meet this deadline, you will not be able to join this particular lawsuit.

If you do not wish to be a part of the lawsuit, you do not need to do anything. If you do not join this lawsuit you will not be bound by or affected by the result (whether favorable or unfavorable).

The Court has not yet taken a position in this case regarding the merits of the Plaintiff’s claims or of the Defendants’ defenses.

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, whether that settlement is favorable or unfavorable to you personally.

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, 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 JEROME B. SIMANDLE. THE COURT HAS TAKEN NO POSITION REGARDING THE LAWSUIT'S MERITS.

YOU ARE NOT PERMITTED TO CALL THE COURT ABOUT THIS CASE. PLEASE ONLY COMMUNICATE WITH THE LAW FIRM LISTED ABOVE.

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FOR THE DISTRICT OF NEW JERSEY

_____	:	
JASON CARPENTER,	:	
	:	1:17-cv-02043-JBS-AMD
Plaintiff,	:	
v.	:	
	:	
ALLPOINTS COURIER SERVICE, INC.,	:	
	:	
Defendant.	:	
_____	:	

CONSENT TO BECOME PARTY PLAINTIFF

I 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. I agree to be represented by Winebrake & Santillo, LLC (Dresher, PA), and I understand that I will be bound by the judgment of the Court on all issues in this action, including the fairness of any settlement, whether it is favorable or unfavorable to my personal interests.

Signature

Date

Name (Please Print Neatly)

Address

City, State, Zip Code

Phone Number

Email Address

Return to:

WINEBRAKE & SANTILLO, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
Phone: (215) 884-2491
Fax: (215) 884-2492