

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

---

GWENDOLYN HALL, *on behalf of herself*  
*and others similarly situated,*

Plaintiff,

v.

ACCOLADE, INC.,

Defendant.

---

:  
:  
: 2:17-cv-03423-GEKP  
:  
:  
:  
:  
:  
:

**STIPULATION AND ORDER**

Plaintiff Gwendolyn Hall (“Plaintiff”) and Defendant Accolade, Inc. (“Defendant”) hereby **STIPULATE** as follows:

1. The following Fair Labor Standards Act (“FLSA”) collective is conditionally certified pursuant to 29 U.S.C. § 216(b): **All individuals who, during any time within the past three years, were employed by Defendant as Health Assistants.** Individuals falling within this definition are referred to as “Putative Collective Members.”<sup>1</sup>

2. In agreeing to conditional certification, Defendant does not waive any future arguments. For example, Defendant reserves its right to move at some later time to decertify the FLSA collective, to otherwise argue that collective litigation is wholly or partially inappropriate, or to argue that a two-year – rather than a three-year – limitations period applies to the FLSA claims asserted in this action.

3. Within fourteen (14) calendar days of the Court’s entry of this Order, Defendant’s counsel will email to Plaintiff’s counsel an Excel spreadsheet containing the name and last

---

<sup>1</sup> Notwithstanding this collective definition, (i) the limitations period applicable to Plaintiff’s FLSA claim is tolled as of August 1, 2017 (the date on which she commenced this action) and (ii) the limitations period applicable to the FLSA claims of each individual who *already* has opted-in to this action is tolled as of the date he/she filed his her Consent Form with the Court. The limitations period applicable to the FLSA claims of every other Putative Collective Member will be tolled as of the date his/her Consent Form is filed with the Court.

known mailing address of each Putative Collective Member.

4. Within twenty-one (21) calendar days of the Court's entry of this Order, Plaintiff's counsel will mail to all Putative Collective Members finalized copies of the attached "Notice of Collective Action Lawsuit" form, the attached "Consent to Join" form, and a postage-paid return envelope bearing Plaintiff's 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.

5. 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 forty-five (45) calendar days after the initial mailing date. Plaintiff's counsel will file with the Court each completed Consent Form within two (2) business days of receipt.

6. All discovery shall be STAYED pending the completion of the notice and opt-in process described above.

**FOR PLAINTIFF:**

/s/ Peter Winebrake  
Winebrake & Santillo, LLC

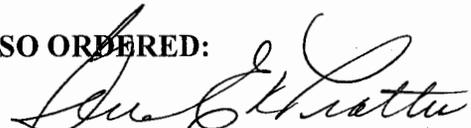
November 10, 2017  
Date

**FOR DEFENDANT:**

/s/ Christopher J. Moran  
Pepper Hamilton LLP

November 10, 2017  
Date

**SO ORDERED:**

  
\_\_\_\_\_  
HON. GENE E.K. PRATTER

11/14/17  
Date

November \_\_, 2017

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

*Gwendolyn Hall v. Accolade, Inc., 2:17-cv-03423-GEKP*  
United States District Court, Eastern District of Pennsylvania

**TO:** *[INSERT NAME]*

**INTRODUCTION**

This Notice tells you about a lawsuit seeking unpaid wages allegedly owed to **Health Assistants** employed by Accolade, Inc. Based on available documents, it appears that you have a right to participate in the lawsuit.

**DESCRIPTION OF THE LAWSUIT**

In August 2017, an Accolade Health Assistant named Gwendolyn Hall started the lawsuit in federal court in Philadelphia, PA.

The lawsuit alleges that Accolade has failed to pay the correct amount of overtime compensation when Health Assistants work over 40 hours per week. Specifically, the lawsuit claims that Accolade: (i) misclassified Health Assistants as “exempt” from the overtime laws prior to November 2016, and (ii) failed to credit Health Assistants for all work activities since November 2016.

Accolade denies that it violated any laws. According to Accolade, Health Assistants were properly classified as overtime-exempt prior to November 2016. Accolade also contends that, since November 2016, Health Assistants have been fully credited for all work activities.

The lawsuit is in the early stages. The Judge has not yet decided whether the claims have merit.

**RETALIATION PROHIBITED**

Accolade has a policy that prohibits retaliation against persons who join lawsuits like this one. Federal law would also prohibit Accolade from retaliating against you if you participate.

**HOW TO JOIN THE LAWSUIT**

Whether or not to join the lawsuit is entirely up to you. If you wish to join, you must complete the enclosed “Consent to Join” form and return it (preferably in the enclosed envelope) to:

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

Your return envelope *must be postmarked by [insert 45 days after mailing]*. If you do not want to join the lawsuit you do not need to do anything.

**EFFECT OF JOINING THE LAWSUIT**

If you join the lawsuit, you will be bound by the Court's rulings on all issues, including the reasonableness of any settlement. If Ms. Hall and other Health Assistants win, you will be eligible for a money payment. If Accolade wins, you will receive nothing. You will owe nothing if Accolade wins.

If you join the lawsuit, you may possibly be required to participate in formal discovery or trial proceedings. For example, you may be required to gather together and produce documents you have concerning your employment with Accolade. You also may be required to respond to written interrogatories (questions) and to appear to have your deposition (answering questions under oath) taken.

**EFFECT OF NOT JOINING THE LAWSUIT**

If you do not join the lawsuit, you will not be bound by the Court's rulings addressing the federal Fair Labor Standards Act claim. However, depending on future "class certification" decisions, you might be bound by rulings addressing state law claims. You will need to consult with your own counsel on these points.

**YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you join the lawsuit, you will be represented by: (i) Hardwick Benfer, LLC, 179 North Broad Street, Doylestown, PA 18901 (Ph: (215) 230-1912); (ii) Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025 (Ph: 215-884-2491); and (iii) Lee & Braziel, LLP, 1801 North Lamar Street, Suite 325, Dallas, TX 75202 (Ph: (214) 749-1400).

You are not required to pay any money to these (or any) law firms. These firms work on a "contingency" basis. If the lawsuit results in a money recovery, the firms will be paid whatever attorneys' fees the Court orders or approves. Those fees will either be subtracted and then paid from the total recovery obtained from Accolade, or they may be paid separately by Accolade. If the lawsuit is unsuccessful, the firms will receive nothing.

Please call any of the above named law firms if you have any questions or want additional information about the lawsuit. Also, nothing prohibits you from consulting with some other law firm of your choice about the lawsuit or the information contained in this Notice.

**ACCOLADE'S REPRESENTATION**

Accolade is represented in this lawsuit by: Pepper Hamilton, LLP, 3000 Two Logan Square, Eighteenth & Arch Streets, Philadelphia, PA 19103 (Ph: (215) 981-4869).

**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 OR ITS MERITS. DO NOT CONTACT THE COURT ABOUT THE LAWSUIT**

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

\_\_\_\_\_  
GWENDOLYN HALL, *on behalf of herself*  
*and others similarly situated*

:  
:  
: 2:17-cv-03423-GEKP  
:  
:  
:

v.

\_\_\_\_\_  
ACCOLADE, INC.  
\_\_\_\_\_

**CONSENT TO JOIN**

I consent to become a party plaintiff in the above-captioned action pursuant to 29 U.S.C. § 216(b). I agree to be represented by Hardwick Benfer, LLC, Winebrake & Santillo, LLC, and Lee & Braziel, LLP pursuant to the Pennsylvania Rules of Professional Conduct. I understand that I will be bound by the rulings 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

**RETURN BY [INSERT DATE]/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)