

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

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BAMBI WOJTASZEK, *et al.*

v.

BALD EAGLE FUEL & TIRE, INC.

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: 4:17-cv-01888-RDM  
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**STIPULATION AND ORDER**

NOW, this 13th day of February 2018, Originating Plaintiff Bambi Wojtaszek (“Wojtaszek”) and Defendant Bald Eagle Fuel & Tire, Inc. (“Bald Eagle”) **STIPULATE** as follows:

1. Plaintiffs’ Motion for Conditional Certification (Doc. 17) is **GRANTED AS UNOPPOSED**, and the following collective is conditionally certified pursuant to 29 U.S.C. § 216(b): **All individuals employed at a Snappy’s convenience store, paid a salary, and classified as overtime-exempt during any time since February 15, 2015.**<sup>1</sup> These individuals will be referred to as “Putative Collective Members.”

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

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<sup>1</sup> The Fair Labor Standards Act (“FLSA”) limitations period for Wojtaszek is tolled as of October 15, 2017, while the FLSA limitations periods for opt-in plaintiffs Charlene Curry, Jessica Molnar-Brooks, Megan Riley, Logan Waltz, and Michele Weinberg are tolled as of the date on which these individuals filed their consent forms.

3. Wojtaszek will not pursue her Pennsylvania Minimum Wage Act (“PMWA”) claim as a class action claim under Federal Rule of Civil Procedure 23. However, Wojtaszek, the 5 current opt-in plaintiffs, and any future opt-in plaintiffs will continue to assert PMWA claims.

4. Within 14 calendar days of the Court’s entry of this Order, Bald Eagle’s counsel will email to Plaintiffs’ counsel an Excel spreadsheet containing the name and last known mailing 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 21 calendar days of the Court’s entry of this Order, Plaintiffs’ counsel will mail to all Putative Collective Members (other than Wojtaszek and the 5 current opt-in plaintiffs) 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 (together 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 participate in this action, a Putative Collective Member must complete his/her Consent Form and return it in an envelope postmarked on or

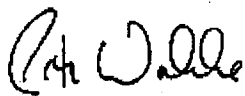
before the deadline indicated in the Notice Package, which will be set at 35 calendar days after the initial mailing date.

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

8. Within 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:



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Pete Winebrake  
Winebrake & Santillo, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025  
(215) 884-2491

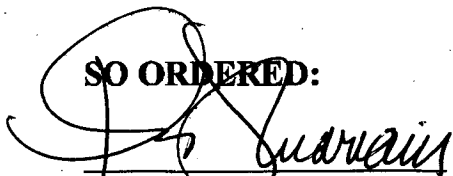
FOR DEFENDANT:



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Debora A. O'Neill, Esquire  
Meyerson & O'Neill  
1700 Market Street, Suite 3025  
Philadelphia, PA 19103  
(215) 972-1376

**SO ORDERED:**



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Hon. Robert D. Mariani

2/15/18  
Date

[insert date]

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

*Wojtaszek, et al. v. Bald Eagle Fuel & Tire, Inc.*, 4:17-cv-01888-RDM  
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 overtime wages under federal law on behalf of salaried employees who worked in a Snappy's convenience store since February 15, 2015. You have a right to participate in the lawsuit.

**DESCRIPTION OF THE LAWSUIT**

In October 2017, Bambi Wojtaszek ("Plaintiff") started this lawsuit against Bald Eagle Fuel & Tire, Inc. ("Bald Eagle"). Since then, five additional individuals have joined the lawsuit. The lawsuit is proceeding in the United States District Court in Scranton, PA and is assigned to Judge Robert D. Mariani.

The lawsuit alleges that Bald Eagle violated federal and state wage laws by failing to pay overtime pay when salaried employees at Snappy's convenience stores worked over 40 hours in a week. The lawsuit seeks the recovery of unpaid overtime wages, liquidated damages, attorney's fees and costs.

Bald Eagle denies all of the allegations and maintains that it properly paid all wages due to Plaintiff and all other salaried employees at Snappy's convenience stores. Bald Eagle asserts that its pay practices are legal.

The lawsuit is in its early stages. The Federal Court has not decided who will win this lawsuit.

**RETALIATION PROHIBITED**

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

**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 and other individuals who join the lawsuit, you will receive a money payment. If the Federal Court finds in favor of the Bald Eagle, you will receive nothing.

If you join the lawsuit, you may be required to participate in the "discovery" process by, for example, gathering and producing any work-related documents, answering some written questions, and, possibly, sitting for a deposition. The law firm described below will represent you throughout the discovery process.

**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 Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025. The firm's website is [www.winebrakelaw.com](http://www.winebrakelaw.com), and its phone number is (215) 884-2491.

You are not 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 Judge to award legal fees separate and apart from your individual recovery.

Please call the above law firm if you have any questions or desire any additional information about the lawsuit.

**HOW TO JOIN THE LAWSUIT**

You can 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]*. If you fail to meet this deadline, you will not be allowed to participate in the lawsuit.

**THIS NOTICE HAS BEEN AUTHORIZED BY UNITED STATES DISTRICT JUDGE ROBERT D. MARIANI. THE COURT HAS TAKEN NO POSITION REGARDING THE LAWSUIT'S MERITS.**

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

	:	
BAMBI WOJTASZEK, <i>et al.</i> ,	:	
Plaintiffs,	:	4:17-cv-01888-RDM
v.	:	
	:	
BALD EAGLE FUEL & TIRE, INC.,	:	
	:	
Defendant	:	
	:	

**CONSENT TO JOIN**

I have read the accompanying "Notice of Collective Action Lawsuit" form, and 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 Winebrake & Santillo, LLC (Dresher, PA). 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.

\_\_\_\_\_  
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  
Phone: (215) 884-2491  
Fax: (215) 884-2492