

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS

DAVID BROWNE, et al. v. P.A.M. TRANSPORT, INC., et al.

Case No. 5:16-cv-05366-TLB

IMPORTANT NOTIFICATION TO POTENTIAL CLASS MEMBERS

Please read carefully. Your legal rights may be affected.

TO: Any and all over-the-road truck drivers employed by P.A.M. Transport at any point between May 5, 2014 and May 5, 2017.

**RE: LAWSUIT ASSERTING VIOLATIONS OF FEDERAL WAGE LAWS
AGAINST P.A.M. TRANSPORT**

YOUR RESPONSE IS DUE: SEPTEMBER 26, 2017

INTRODUCTION

The purpose of this Notice is: (1) to inform you of the existence of a Fair Labor Standards Act (“FLSA”) collective action lawsuit filed against P.A.M. Transport; (2) to advise you of how your rights may be affected by this lawsuit; and (3) to instruct you on the procedure for participating in this lawsuit. You have been sent this Notice because employment records indicate that you may be an eligible class member.

Although the United States District Court for the Western District of Arkansas has approved the sending of this Notice, the Court expresses no opinion on the merits of this lawsuit. That is, Plaintiffs claim that P.A.M. Transport has violated the FLSA, and P.A.M. Transport denies any wrongdoing, and the Court has not yet decided who is right or wrong. Further, receipt of this Notice does not indicate that you have a valid claim or are entitled to a recovery in this lawsuit.

DESCRIPTION OF LAWSUIT

Three over-the-road truck drivers, David Browne, Antonio Caldwell, and Lucretia Hall (“Representative Plaintiffs”), brought this lawsuit against P.A.M. Transport on behalf of themselves and all P.A.M. Transport drivers who were employed by P.A.M. Transport at any point from May 5, 2014 to May 5, 2017. The Representative Plaintiffs contend, and P.A.M. Transport denies, that P.A.M. Transport violated the FLSA in the following ways:

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- (1) by failing to compensate newly hired drivers the minimum wage for all compensable time worked during initial orientation;
- (2) by failing to compensate drivers the minimum wage for all compensable time worked while over-the-road alone as “Solo-Drivers;”
- (3) by failing to compensate drivers the minimum wage for all compensable time worked while over-the-road with a teammate as “Team Drivers;”
- (4) by failing to compensate drivers the minimum wage for all compensable hours when on assignment for 24 hours or more;
- (5) by failing to compensate drivers the minimum wage for all travel time that occurred during normal business hours;
- (6) by failing to compensate drivers the minimum wage for all compensable time due to deductions made to their pay as a result of the company’s use of the Comdata system;
- (7) by failing to compensate drivers the minimum wage for all compensable time due to deductions made to their pay pursuant to company policy.

Plaintiffs’ claims in this lawsuit are limited to a two or potentially three-year “statute of limitations.” If you choose to join this lawsuit and Plaintiffs prevail, you may be able to recover damages for certain hours you worked during the applicable statute of limitations period.

Plaintiffs have sued P.A.M. Transport to recover wages due on behalf of the entire class. Plaintiffs are also seeking liquidated damages, attorney’s fees, and costs. If you elect to join this lawsuit and Plaintiffs are successful, you may receive compensation.

HOW TO JOIN THIS LAWSUIT

You may join this lawsuit by completing the attached postage-paid “Consent to Join Lawsuit” Form (“Consent Form”) and mailing it on or before September 26, 2017. You may also join this lawsuit by completing the attached Consent Form and faxing it to 215-525-0209 or by emailing it to PAMTransport@CollectiveActionAdmin.com on or before September 26, 2017. In the alternative, you may join this lawsuit by completing the Consent Form online at www.pamlawsuit.com on or before September 26, 2017.

If you wish to join this lawsuit, you must complete and return the Consent Form by no later than September 26, 2017, meaning that the Consent Form must be post-marked (if mailed) or date-stamped (if faxed, emailed, or submitted online) on or before September 26, 2017.

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NO RETALIATION PERMITTED

If you are a current employee or contractor of P.A.M. Transport, you will not be retaliated against for joining this lawsuit. Under federal law, it is unlawful for P.A.M. Transport to terminate you or retaliate against you for joining this lawsuit. P.A.M. Transport has confirmed that it will not take any retaliatory measures against any class member who joins this lawsuit.

EFFECT OF NOT JOINING THIS LAWSUIT

By completing and returning the attached Consent Form as set forth above, you agree: (a) to be bound by the Court's judgment; (b) to designate the Representative Plaintiffs as your agents to make decision on your behalf regarding this lawsuit; and (c) decisions made by the Representative Plaintiffs are binding on you. Further, by submitting the attached Consent Form you may be required to provide information and participate in discovery.

You are not required to join this lawsuit and need not complete and return the Consent Form. If you do not complete and return the Consent Form to join in this lawsuit, you will not participate in this lawsuit and will not be bound by, nor will you receive any compensation from, any judgment or settlement relating to the FLSA claims in this lawsuit. If you so choose, you may pursue your claims on your own. The pendency of this lawsuit, however, will not stop the running of that statute of limitations as to such claims unless you opt-in to this lawsuit by completing and returning the Consent Form.

QUESTIONS REGARDING THIS NOTICE

If you have any questions regarding this Notice, you can contact the Administrator toll-free at 1-855-973-3406 or via email at PAMTransport@CollectiveActionAdmin.com. You can also receive more information regarding this Notice and the lawsuit at www.pamlawsuit.com.

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LEGAL COUNSEL

If you choose to join this lawsuit by completing and returning a Consent Form as set forth above, you will be agreeing to representation by Plaintiffs' attorneys, identified below:

Justin L. Swidler, Esq.
Richard S. Swartz, Esq.
Swartz Swidler, LLC
1101 N. Kings Highway Ste 402
Cherry Hill, NJ 08034
Phone: 856-685-7420
Website: <http://www.swartz-legal.com>

Plaintiffs' attorneys have taken this case on a contingency fee. They may be entitled to receive attorneys' fees and costs from P.A.M. Transport should there be a recovery or judgment in favor of the Plaintiffs. If there is a recovery, Plaintiffs' attorneys will apply to receive 1/3 of any settlement obtained or money judgment entered in favor of Plaintiffs or their fees will be paid separately by P.A.M. Transport. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' attorneys will not seek any attorneys' fees or costs from anyone.

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