

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
**PIERRE CORMIER, et al. v. WESTERN EXPRESS, INC., et al.**

Case No. 14-0029

**IMPORANT 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 Western Express, Inc. (“Western Express”) at any point from January 1, 2013 through and including March 31, 2015.

RE: **Your Right to Join a Collective Action Lawsuit Asserting Violations of Federal Wage Law**

**RESPONSE DUE: October 7, 2015 (Postmark Date)**

**INTRODUCTION**

This Notice is being sent to you under supervision of the United States District Court for the Middle District of Tennessee. The purpose of this notice is to: (1) inform you of the existence of a collective class action lawsuit filed against Western Express under the Fair Labor Standards Act (“FLSA”); (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 eligible to join.

Although the United States District Court for the Middle District of Tennessee has authorized and permitted the sending of this Notice, the Court expresses no opinion on the merits of this lawsuit. Plaintiffs claim that Western Express has violated the FLSA. Western Express denies that it has violated the FLSA or that it has any liability. 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 any recovery.

**DESCRIPTION OF LAWSUIT**

Four former over-the-road truck drivers of Western Express, Pierre Cormier, David Harmon, Michael Sowa, and Johannes Stolvoort, filed this federal court lawsuit in Nashville, and have asserted that Western Express failed to pay them and other over-the-road truck drivers minimum wages as required under the Fair Labor Standards Act.

Western Express denies the allegations of the lawsuit and asserts that it has complied with the Fair Labor Standards Act and has properly paid all its drivers in accordance with the law. Western Express further denies that it is liable under any circumstances.

Plaintiffs have sued Western Express to recover all wages due on behalf of the entire class. Plaintiffs are also seeking attorney’s fees and costs. If you elect to join and if Plaintiffs are successful, you may receive compensation. Also, if you join this lawsuit you may be required to respond to written questions, attend and be questioned at a deposition, and testify in court.

**NO OPINIONS EXPRESSED AS TO THE MERITS OF THIS LAWSUIT**

The Court has not yet issued an opinion regarding the merit or lack of merit of Plaintiffs’ claims and Western Express’s defenses.

This notice is for the sole purpose of determining the identity of those persons who may be entitled to participate and who wish to participate in this lawsuit. Collective claims and individual claims may be subject to later dismissal if the Court ultimately finds that the Plaintiffs’ claims lack merit or that they may not be litigated on a class-wide basis. By submitting the attached Consent Form, you agree to be bound by the Court’s decision, whether or not it is favorable to the Plaintiffs and even if Plaintiffs lose.

**HOW TO JOIN THIS LAWSUIT**

You may join this lawsuit by completing the attached “Consent to Join Lawsuit” Form (“Consent Form”) and returning it in the mail in the enclosed, pre-stamped and self-addressed envelope. You may also join

the lawsuit by completing the attached Consent Form and faxing it to 1-800-351-7109 or emailing it to [truckingattorney@swartz-legal.com](mailto:truckingattorney@swartz-legal.com). In the alternative, you may complete the Consent Form online at <http://www.swartz-legal.com>.

**If you wish to join this lawsuit, you must return the Consent Form with a Postmark date on or before October 7, 2015, or complete the online Consent form by no later than October 7, 2015.**

### **NO RETALIATION PERMITTED**

You will not be retaliated against for joining this lawsuit. Under federal law, it is unlawful for Western Express to terminate you or retaliate against you because you joined this lawsuit. Western Express has confirmed that it will not take any retaliatory measures against any class member because he or she joined this lawsuit.

### **EFFECT OF NOT JOINING THIS LAWSUIT**

If you do not file a consent form to join in this lawsuit, you will not participate in this lawsuit and will not be bound by any judgment or settlement. But, you are not required to join this lawsuit and need not return the Consent Form. If you so choose, you may pursue your claim on your own. The pendency of this lawsuit, however, will not stop the running of the statute of limitations as to such claims unless you opt-in by returning the Consent Form.

### **QUESTIONS REGARDING THIS NOTICE**

If you have any questions regarding this notice, you can contact Justin L. Swidler, Esq. or Richard Swartz, Esq. of Swartz Swidler, LLC, the attorneys representing the class of employees. Their phone number is 856-872-2923, or toll free at 1-888-512-9656. You can also receive more information regarding this notice and the lawsuit at <http://www.swartz-legal.com>. **You should not contact the Court.**

You may also contact the Notice Administrator at the address or phone number below to request a copy of the Notice and Consent Form, obtain answers to basic questions regarding this Notice and Consent Form, or to update your address.

Notice Administrator  
c/o Rust Consulting, Inc. – 4759  
P.O. Box 2292  
Faribault, MN 55021-2427  
1-866-590-8531

### **LEGAL COUNSEL**

If you choose to join this case by filing a Consent Form, you will be agreeing to representation by Plaintiffs' attorneys, identified below. You will also be agreeing to designate your counsel and the named representative Plaintiffs as your agent to make decisions on your behalf regarding the prosecution or settlement of this lawsuit. The Plaintiffs' attorneys who will be representing you are:

Justin L. Swidler, Esq.  
Richard S. Swartz, Esq.  
Swartz Swidler, LLC  
1101 Kings Hwy N., Ste. 402  
Cherry Hill, NJ 08034

Website: <http://www.swartz-legal.com>  
Phone: 856-872-2923  
Fax: 856-872-2924  
Toll Free: 1-888-512-9656  
Email: [truckingattorney@swartz-legal.com](mailto:truckingattorney@swartz-legal.com)

Plaintiffs' attorneys have taken this case on a contingency fee basis. They may be entitled to receive attorneys' fees and costs from Western Express should there be a recovery or judgment in favor of the Plaintiffs and if ordered by the Court. If there is a recovery, Plaintiffs' attorneys will apply to receive 1/3 of any settlement obtained or money judgment entered in favor of all members of the class. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' attorneys will not seek any attorney's fees or costs from anyone.