

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 December 9, 2013 and February 15, 2019.

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

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
File a Consent Form	In addition to the claims based upon Arkansas law, the Named Plaintiffs have also sought damages on behalf of other drivers for violations of federal wage laws. If you wish to recover damages under federal law, in addition to state law, you must file the Consent Form attached to this Notice.
Do Nothing	No action is required of you to remain to remain in the class action asserting violations of Arkansas law. If a judgment or settlement is reached in favor of the class on such claims, you may receive compensation. However, by choosing not to file a consent form, you will not be permitted to recover compensation for alleged violations of federal wage laws.
Exclude Yourself	If you wish to be excluded from the class, you must send a request to be excluded from the class to the claims administrator, whose contact information is included in this notice. If you exclude yourself from the class, you will not be bound by any judgment or settlement in this case, meaning you will not receive compensation if the class recovers.

INTRODUCTION

The purpose of this Notice is: (1) to inform you of the existence of a class and collective action lawsuit filed against P.A.M. Transport; (2) to advise you of how your rights may be

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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 are an eligible class member.

Prior to certifying the class, The United States District Court for the Western District of Arkansas made several rulings in favor of the class. In particular, the United States District Court determined that certain time an over-the-road driver spends in a truck's sleeper berth must be paid and that the drivers in this case are entitled to the benefits of Arkansas law. Nevertheless, no final judgment has been reached in this case, and receipt of this Notice does not guarantee 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 December 9, 2013 to February 15, 2019. The Representative Plaintiffs contend, and P.A.M. Transport denies, that P.A.M. Transport violated federal and state wage laws in the following ways:

- (1) by failing to compensate drivers the minimum wage for all compensable time worked while over-the-road alone as "Solo-Drivers;"
- (2) by failing to compensate drivers the minimum wage for all compensable time worked while over-the-road with a teammate as "Team Drivers;"
- (3) by failing to compensate drivers the minimum wage for all compensable hours when on assignment for 24 hours or more;
- (4) 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;
- (5) by failing to compensate drivers the minimum wage for all compensable time due to deductions made to their pay pursuant to company policy;
- (6) by charging beyond 10% annualized interest on employee advances;
- (7) by charging access fees when an employee withdrew or accessed funds via Comdata; and
- (8) by failing to pay promised interest rates on wages withheld from drivers pursuant to P.A.M.'s escrow policies;

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 Plaintiffs succeed, you may receive compensation at the resolution of this lawsuit.

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HOW TO JOIN THIS LAWSUIT

Plaintiffs have made claims asserting violations of federal and state law. Due to the unique procedure applicable to joining federal wage lawsuits, if you wish to assert violations of federal law, you must complete a Consent Form. You may do so online at <http://www.pamlawsuit.com> or by completing the attached postage pre-paid “Consent to Join Lawsuit” Form (“Consent Form”) and mailing it on or before [90 days]. You may also join this lawsuit by completing the attached Consent Form and faxing it to 215-xxx-xxxx or by emailing it to xxxx@tpa.com.

Plaintiffs have also made claims under certain state laws of Arkansas, asserting that P.A.M.’s conduct also violates such laws. To remain a class member and continue to assert claims under Arkansas state law, no action is required of you. However, if you wish to remove yourself from the class, you can do so by mailing a request to opt out to: [claims administrator] stating that you wish to be excluded. Please make sure that any request to be excluded is signed and that the case name and number is included. The request must be mailed by no later than [90 days]. You do not need to provide any reason for your decision to exclude yourself.

If you do not complete a consent form, you will not be eligible to recover damages for violations of federal law, though you will still remain in the case as a class member asserting violations under state law. If you do not want to assert any claims in the lawsuit, you must request to be excluded, in which case, 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 claims in this lawsuit. If you so choose, you may pursue your claims on your own.

QUESTIONS REGARDING THIS NOTICE

If you have any questions regarding this Notice, you can contact the Administrator toll-free at 1-XXX-XXX-XXXX or via email at xxxxx@tpa.com. You can also receive more information regarding this Notice and the lawsuit at www.pamlawsuit.com.

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CLASS COUNSEL

The Class and individuals who choose to join the lawsuit will be represented by the following attorneys, who have been certified by the Court to represent the drivers as Class Counsel.

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

Class Counsel has taken this case on a contingency fee. They may be entitled to receive attorney's fees and costs from PAM Transport should there be a recovery or judgment in favor of the Plaintiffs. If there is a recovery, Class Counsel 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 PAM Transport. If there is no recovery or judgment in Plaintiffs' favor, Class Counsel will not seek any attorney's fees or costs from anyone.

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