

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

Gale Carter, et al. v. Paschall Truck Lines, Inc., et al.

Case No. 5:18-cv-00041

IMPORTANT NOTIFICATION TO POTENTIAL OPT-IN PLAINTIFFS

Please read carefully. Your legal rights may be affected.

RE: LAWSUIT ALLEGING PASCHALL TRUCK LINES, INC. (“PTL”) MISCLASSIFIED DRIVERS AS INDEPENDENT CONTRACTORS AND PAID LESS THAN THE FEDERAL MINIMUM WAGE.

RESPONSE DUE: OCTOBER 10, 2019

- **Your legal rights may be affected whether you act or don’t act.** Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:

Submit a Consent Form	By submitting a consent form, you will be electing to join the lawsuit as a collective action member and you may be entitled to recover damages for wage and hour violations should the drivers prevail or settle and will be bound by the judgment, whether favorable or unfavorable. The only way to participate in this action is to complete a consent form, a copy of which is enclosed with this notice. You may also join the lawsuit online at http://www.ptllawsuit.com.
Do Nothing	By doing nothing, you will not participate in this lawsuit and will not be able to collect compensation if the drivers prevail or settle. Additionally, the statute of limitations period will continue to run, which means that unless you file a separate action, you may lose your legal right to assert a claim against PTL for its alleged wage and hour violations.

INTRODUCTION

This Notice has been authorized by the United States District Court for the Western District of Kentucky. The Court has not taken a position on the claims alleged in this case. The purpose of this Notice is to: (1) inform you of the existence of a collective class action lawsuit filed against PTL; (2) to advise you of how your rights may be affected by this lawsuit; and (3) to instruct you

THIS IS NOT AN ADVERTISEMENT

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on the procedure for participating in this lawsuit. You have been sent this Notice because PTL's records indicate that you are eligible to join the collective class.

DESCRIPTION OF LAWSUIT

Gale Carter ("Mr. Carter") and Forbes Hays ("Mr. Hays") brought this lawsuit against PTL on behalf of themselves and (1) all other individuals who participated in PTL's Lease Operator/Independent Contractor Program at any point between October 12, 2014, to present.

Mr. Carter and Mr. Hays contend that PTL (1) misclassified them and other truck drivers as independent contractors instead of employees, and (2) failed to pay them the federal minimum wage of \$7.25 per hour for all hours worked as required by the Fair Labor Standards Act ("FLSA"). As a result, Mr. Carter and Mr. Hays contend that they and other drivers are eligible to collect damages. Mr. Carter and Mr. Hays have sued PTL to recover all wages due on behalf of all eligible individuals during the statute of limitations. Mr. Carter and Mr. Hays also seek for themselves and other drivers liquidated damages (double damages), attorneys fees, and costs.

These claims may be limited to a two-year statute of limitations or a three-year statute of limitations if it is determined that PTL willfully violated the FLSA. If you join this litigation, and Plaintiffs prevail on their claims, you may only be able to recover damages you accrued during the statute of limitations period, which is calculated backwards from the date you submit the consent form.

Defendants deny the allegations of this lawsuit and assert that at all times they complied with the FLSA and paid the drivers in accordance with the law.

THE CONDITIONALLY CERTIFIED FLSA CLASS

The Court has conditionally certified a class comprised of the following individuals:

- (1) any driver who drove for Defendant Paschall Truck Lines, Inc. (PTL) from October 12, 2014 through the present, signed an Independent Contractor Service Agreement with Defendant PTL, and had an agreement whereby Defendant PTL would remit truck lease payments to a lease vendor.

HOW TO JOIN THIS LAWSUIT

You have been sent this Notice because PTL's records indicate that you match the definition above.

If you choose to join this lawsuit, you must complete the enclosed "Consent to Join Lawsuit" Form ("Consent Form") and return it in the mail in the enclosed, postage paid and self-addressed envelope. You may also join the lawsuit by completing a Consent Form online at <http://www.ptllawsuit.com>.

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By submitting the enclosed Consent Form, you agree to be bound by the Court's judgment even if the Court rules in PTL's favor or awards you less than what you think you are entitled to. You may also be required to participate in discovery. You also agree to designate Class Counsel, Swartz Swidler, and the representative plaintiffs, Gale Carter and Forbes Hays, as your agents to make decisions on your behalf regarding the lawsuit, including settlement.

If you wish to join this lawsuit, you must return the Consent Form no later than October 10, 2019.

NO RETALIATION PERMITTED

You will not be retaliated against for joining this lawsuit. Federal law prohibits an employer from retaliating against you because you have 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, nor will you receive any compensation from, any judgment or settlement. If you so choose, you may pursue your claim on your own, provided that you do so before the statute of limitations expires.

LEGAL COUNSEL

If you choose to join this case by filing a Consent Form, you will be agreeing to representation by Plaintiffs' attorneys, unless you choose to hire your own attorney, identified below:

Justin L. Swidler, Esq.
Joshua S. Boyette, Esq.
Manali Arora, Esq.
Travis B. Martindale-Jarvis, Esq.
Swartz Swidler, LLC
1101 Kings Hwy N, Ste. 402
Cherry Hill, NJ 08034

Website: <http://www.swartz-legal.com>
Phone: (856) 685-7420
Fax: (856) 685-7417
Toll Free: (877) 829-9501
Email: ptllawsuit@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 PTL should there be a recovery or judgment in favor of the Plaintiffs. If there is a recovery, Plaintiffs' attorneys will apply to receive a third of any settlement obtained or money judgment entered in favor of all members of the class or their fees will be paid separately by PTL. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' attorneys will not seek any attorney's fees or costs from anyone for any work performed by Swartz Swidler, LLC in bringing this action.

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