

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

**FAHD ELKADI v. STAT EXPERTS, INC.**

Case No. 1:23-cv-00228

**IMPORANT NOTIFICATION TO POTENTIAL CLASS MEMBERS**

*Please read carefully. Your legal rights may be affected.*

**TO:** Any and all Stat Experts, Inc. (hereinafter, “Stat Experts”) drivers at any point from January 30, 2020 to present.

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

**RESPONSE DUE: December 18, 2023**

**INTRODUCTION**

**THIS IS NOT AN ADVERTISEMENT**

This Notice is being sent to you by Order and under supervision of the United States District Court for the District of Maryland. The purpose of this notice is to: (1) inform you of the existence of a collective class action lawsuit filed against Stat Experts; (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.

**DESCRIPTION OF LAWSUIT**

Fahd Elkadi (“Mr. Elkadi”) brought this lawsuit against Stat Experts on behalf of himself and all other individuals who performed deliveries for Stat Experts from any point from January 30, 2020 to present.

Mr. Elkadi contends that Stat Experts violated federal law, and specifically the Fair Labor Standards Act, by failing to pay drivers overtime premium pay for all hours worked in excess of forty (40) hours per week. Mr. Elkadi contends that he and others were misclassified as independent contractors, and thus were denied the protections of the Fair Labor Standards Act (“FLSA”) which applies to individuals who, regardless of whether they have been labeled as “independent contractors,” based on the economic realities of the relationship, were under the control of the alleged employer and acted as an employee of for the employer. As a result, Mr. Elkadi contends that he and other drivers are eligible to collect damages. Mr. Elkadi has sued Stat Experts to recover all potential wages due on behalf of eligible individuals during the statute of limitations. Mr. Elkadi is also seeking liquidated damages (double damages), attorney fees and costs.

Stat Experts denies the allegations of the lawsuit and asserts that its drivers were properly classified as independent contractors and paid in accordance with the law.

The Court has not decided who is right or wrong, but has authorized this notice to explain the lawsuit so that you can decide whether to join.

### **HOW TO JOIN THIS LAWSUIT**

You may join this lawsuit by completing a “Consent to Join Lawsuit” Form (“Consent Form”) online at <http://www.stateexpertslawsuit.com>. Alternatively, you may join the lawsuit by completing and returning the enclosed consent form in the included pre-stamped and self-addressed envelope, or faxing the form to (856) 685-7417.

**If you wish to join this lawsuit, you must return the Consent Form or complete the online Consent form by no later than December 18, 2023.**

### **NO RETALIATION PERMITTED**

You will not be retaliated against for joining this lawsuit. Under federal law, it is illegal for Stat Experts to terminate you or retaliate against you for joining this lawsuit. Stat Experts has confirmed that it will not take any retaliatory measures against any class member who joins 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. The pendency of this lawsuit, however, will not stop the running of that statute of limitations as to such claims unless you opt-in by returning the Consent Form. In other words, you may lose some or all of your rights if you do not act now.

### **NO OPINIONS EXPRESSED AS TO THE MERITS OF THE CASE**

This Notice is for the sole purpose of determining the identity of those persons who may be entitled to and wish to participate in this lawsuit and any potential judgment or settlement. The Court has expressed no opinion regarding the merits of Plaintiff’s claims or Stat Experts’ defenses, and individual claims may be subject to later dismissal if the Court ultimately finds that the claims lack merit or that they cannot be litigated on a class-wide basis.

## QUESTIONS REGARDING THIS NOTICE

If you have any questions regarding this notice, you can contact Justin L. Swidler, Esq. or Manali Arora, Esq. of Swartz Swidler, LLC, the attorneys representing the drivers. Their phone number is (856) 685-7420. You can also receive more information regarding this notice and the lawsuit at <http://www.swartz-legal.com>

### LEGAL COUNSEL

If you choose to join this case by filing a Consent Form, you will be agreeing to representation by Plaintiff's attorneys, identified below:

Justin L. Swidler, Esq.  
Manali Arora, Esq.  
Swartz Swidler, LLC  
9 Tanner Street, Ste 101  
Haddonfield, NJ 08033

Website: <http://www.swartz-legal.com>  
Phone: (856) 685-7420  
Fax: (856) 685-7417  
Email: [marora@swartz-legal.com](mailto:marora@swartz-legal.com)

Plaintiff's attorneys have taken this case on a contingency fee. They may be entitled to receive attorneys' fees and costs from Stat Experts should there be a recovery or judgment in favor of the Plaintiff. If there is any recovery, Plaintiff's attorneys will apply to receive 1/3 of any settlement obtained or money judgment entered in favor of the Plaintiffs or their fees will be paid separately Stat Experts, subject to Court approval. If there is no recovery or judgment in Plaintiff's favor, Plaintiff's attorneys will not seek any attorney's fees or costs from anyone.