

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAULETTE LUSTER and BETTY HAAS,)	CASE NO. 1:16-cv-02613
on behalf of themselves and all others)	
similarly situated,)	JUDGE CHRISTOPHER A. BOYKO
)	
Plaintiffs,)	
)	<u>PLAINTIFFS' MOTION FOR</u>
vs.)	<u>CONDITIONAL CERTIFICATION,</u>
)	<u>EXPEDITED OPT-IN DISCOVERY,</u>
AWP INC., D/B/A AREA WIDE)	<u>AND COURT-SUPERVISED</u>
PROTECTIVE)	<u>NOTICE TO POTENTIAL OPT-IN</u>
)	<u>PLAINTIFFS</u>
Defendant.)	

Plaintiffs Paulette Luster and Betty Haas, on behalf of themselves and all others similarly situated, respectfully move this Honorable Court, pursuant to Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), and Fed. R. Civ. P. 26(d) and 83(b), for an Order conditionally certifying this case as a collective action and implementing a procedure, described in the accompanying Proposed Order (Exhibit 1), whereby prospective opt-in plaintiffs will be notified of Plaintiffs’ FLSA claims and given an opportunity to join this action as party plaintiffs. Such relief is appropriate for the reasons discussed in the attached Memorandum in Support.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
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PAULETTE LUSTER and BETTY HAAS,) CASE NO. 1:16-cv-02613
on behalf of themselves and all others)
similarly situated,) JUDGE CHRISTOPHER A. BOYKO
)
Plaintiffs,)
)
vs.) **MEMORANDUM IN SUPPORT OF**
) **PLAINTIFFS' MOTION FOR**
AWP INC., D/B/A AREA WIDE) **CONDITIONAL CERTIFICATION,**
PROTECTIVE) **EXPEDITED OPT-IN DISCOVERY, AND**
) **COURT-SUPERVISED NOTICE TO**
Defendant.) **POTENTIAL OPT-IN PLAINTIFFS**
)

I. INTRODUCTION

On October 26, 2016, Plaintiffs Paulette Luster and Betty Haas initiated this collective action against AWP INC. d/b/a Area Wide Protective (“AWP”) as a result of Defendant’s practice and policy of not paying its non-exempt employees, including Plaintiffs, overtime compensation at the rate of one and one-half times their regular rate of pay for the hours they worked over 40 each workweek, in violation of the Fair Labor Standards Act (“FLSA”), 29 U.C.S. 201-219.

Plaintiffs pursue these claims as Representative Plaintiffs, on behalf of themselves and other similarly-situated employees. They do so pursuant to 29 U.S.C. § 216(b), which provides that “[a]n action to recover the liability” prescribed by the Act for unpaid minimum wages, overtime compensation, and liquidated damages “may be maintained against any employer... by any one or more employees for and on behalf of herself or themselves and other employees similarly situated.”

Section 16(b) of the FLSA specifies that “[n]o employee shall be a party plaintiff to any action unless he gives his consent in writing to become such a party and such consent is filed in

the court in which such action is brought.” Thus, FLSA actions like this one are “collective actions,” and require other affected individuals to “opt into” the litigation. *See Albright v. Gen. Die Casters, Inc.*, 5:10-CV-480, 2010 WL 6121689, *2 (N.D. Ohio July 14, 2010) (“under the FLSA a putative plaintiff must affirmatively opt into the class”); *Jackson v. Papa John’s USA, Inc.*, No. 1:08-CV-2791, 2009 WL 385580, *4 (N.D. Ohio Feb. 13 2009) (same).¹

Conditional certification is appropriately considered early in an FLSA collective action so that court-authorized notice can be given to potential opt-in plaintiffs. Notably, 21 other individuals, in addition to the two (2) Representative Plaintiffs, have already opted into this case by submitting written consents. (See Notice of Filing Consent Forms, filed on 10/26/16, 10/27/16, 10/31/16, 11/2/16, and 11/23/16). Before additional individuals opt in, the potential opt-in plaintiffs need to be notified of the present collective action and their right to join this action. Only through proper notification will they have the opportunity to determine whether they would like to participate.

As shown below, Representative Plaintiffs have amply satisfied the “modest factual showing” required for conditional certification and the issuance of notice. *Comer v. Wal-Mart Stores*, 454 F.3d 544, 546, 548 (6th Cir. 2006). Accordingly, the Court should conditionally certify this action as a collective action and order that notice be given to potential opt-ins of their right and opportunity to join in the action pursuant to 29 U.S.C. § 216(b).

II. CONDITIONAL CERTIFICATION AND ISSUANCE OF NOTICE TO POTENTIAL OPT-IN PLAINTIFFS IS WARRANTED UNDER SECTION 16(B) OF THE FLSA UPON A “MODEST FACTUAL SHOWING”

Courts in this Circuit have recognized that a collective action under the FLSA “furthers several important policy goals.” *Albright*, 2010 WL 6121689, at *1; *Jackson*, 2009 WL 385580, at *3. These goals, the court explained, were identified by the Supreme Court in *Hoffman-*

¹ Unreported cases are attached as Exhibit 6.

LaRoche v. Sperling, 493 U.S. 165 (1989):

First, the collective action “allows... plaintiffs the advantage of lower individual costs to vindicate rights by the pooling of resources.” Second, “[t]he judicial system benefits by efficient resolution in one proceeding of common issues of law and fact arising from the same alleged discriminatory activity.”

Albright, 2010 WL 6121689, at *1 (quoting *Hoffman-LaRoche*, 493 U.S. at 170); *Jackson*, 2009 WL 385580, at *3 (same).

Three essential principles have guided the courts’ implementation of the policy goals recognized in *Hoffman-LaRoche*: (1) conditional certification enables managerial responsibility over the notice process so that opt-in plaintiffs can be notified in an efficient and proper way; (2) managerial control over the notice process should be exercised early in a case; and (3) conditional certification and notice should be approved based only upon a “modest factual showing.”

A. Conditional Certification Enables the District Court to Exercise Managerial Responsibility Over the Notice Process

Hoffman-LaRoche held that in a collective action, the district court “has a managerial responsibility to oversee the joinder of additional parties to assure that the task is accomplished in an efficient and proper way.” *Hoffman-LaRoche*, 493 U.S. at 170-71. In the Sixth Circuit and elsewhere, district courts routinely play an active role in the opt-in discovery and notice process. *Albright*, 2010 WL 6121689, at *2-3; *Jackson*, 2009 WL 385580, at *4-5; *Douglas v. GE Energy*, No. 1:07-cv-77, 2007 WL 1341779, at *8 (N.D. Ohio April 30, 2007); *Miklos v. Goldman-Hayden Cos., Inc.*, No. 99-CV-1279, 2000 WL 1617969, at *2 (S.D. Ohio Oct. 24, 2000); *Brown v. Money Tree Mortgage, Inc.*, No. 2651-JWL, 222 F.R.D. 676 (D. Kan. Aug. 23, 2004); *Bradford v. Bed Bath & Beyond, Inc.*, 184 F. Supp. 2d 1342, 1345 (N.D. Ga. 2002); *Kane v. Gage Merch. Serv., Inc.*, 138 F. Supp 2d 212, 215 (D. Mass. 2001); *Morisky v. Public Serv.*

Elec. and Gas Co., 111 F. Supp. 2d 493, 497 (D. N.J. 2000); *Realite v. ARK Restaurants Corp.*, 7 F. Supp. 2d 303, 306 (S.D.N.Y. 1998).

B. Managerial Control Over the Notice Process Should Be Exercised Early in the Case

Hoffman-LaRoche held that “it lies within the discretion of a district court to begin its involvement early, at the point of the initial notice, rather than at some later time.” *Hoffman-LaRoche*, 493 U.S. at 171. In *Jackson*, this Court catalogued the benefits of “early judicial intervention” in the notice process:

In *Hoffman-LaRoche*, the Supreme Court also noted the “wisdom and necessity for early judicial intervention in the management of litigation.” When dealing with a collective action, a “trial court can better manage [the] action if it ascertains the contours of the action at the outset.” Additionally, “[b]y monitoring preparation and distribution of the notice, a court can ensure that it is timely, accurate, and informative. Both the parties and the court benefit from settling disputes about the content of the notice before it is distributed.”

Albright, 2010 WL 6121689, at *2 (citations omitted) (quoting *Hoffman-LaRoche*, 493 U.S. at 171-72); *Jackson*, 2009 WL 385580, at *4 (same). See also *Braunstein v. Eastern Photographic Labs, Inc.*, 600 F.2d 335, 336 (2d Cir. 1978), *cert. denied*, 441 U.S. 944 (1979) (early facilitation of the opt-in process furthers the “broad remedial purpose” of the FLSA); *Myers v. Hertz Corp.*, 624 F.3d 537, 555 n.10 (2d Cir. 2010) (conditional certification’s sole effect is “to facilitate the sending of notice to potential class members”).

Early facilitation of the notice process is essential to the opt-in plaintiffs as well. The benefits of an FLSA collective action “depend on employees receiving accurate and timely notice concerning the pendency of the collective action, so that they can make an informed decision about whether to participate.” *Hoffman-LaRoche*, *supra*, 493 U.S. at 170. Accord *Douglas*, 2007 WL 1341779, at *3; *Miklos*, 2000 WL 1617969, at *4.

Indeed, for potential opt-in plaintiffs, time is of the essence. Unlike Rule 23 class

actions, the commencement of an FLSA collective action does not toll the running of the statute of limitations for putative class members. Rather, pursuant to the FLSA and the Portal-To-Portal Act, an opt-in plaintiff's claim against the employer is not commenced until the date his or her written consent to join the collective action is filed with the district court. *See* 29 U.S.C. §§ 216(b) and 256. *See Cahill v. City of New Brunswick*, 99 F. Supp. 2d 464, 479 (D.N.J. 2000). The district court's involvement "ensures that all potential plaintiffs receive timely notice of a pending suit." *Garner v. G.D. Searle*, 802 F. Supp. 418, 422 (M.D. Ala. 1991). *Accord Hoffman-La Roche*, 493 U.S. at 170; *Miklos*, 2000 WL 1617969, at *3.

C. Courts Generally Approve Conditional Certification and Notice Based Only Upon a "Modest Factual Showing"

Section 16(b) of the FLSA expressly authorizes a collective action to be maintained "by any one or more employees" on behalf of "themselves and other employees similarly situated." To determine "whether proposed co-plaintiffs are, in fact, similarly situated for the purposes of the statute's requirements," the courts "have used a two-phase inquiry." *Comer*, 454 F.3d at 546. *See also Ziemski v. P & G Hospitality Group, LLC*, No. 1:10-CV-2920, 2011 WL 1366668, *1 (N.D. Ohio Apr. 12, 2011) ("The Sixth Circuit expressed approval for the two-phase test developed by the district courts in the Sixth Circuit"); *Albright*, 2010 WL 6121689, at *2 ("courts have developed a two-stage approach"); *McNelley v. ALDI, Inc.*, 1:09-CV-1868, 2009 WL 7630236, *2 (N.D. Ohio Nov. 17, 2009) ("Courts generally use a two-stage approach"); *Jackson*, 2009 WL 385580, at *4 ("courts have developed a two-stage approach"); *Douglas*, 2007 WL 1341779, at *8 (this "court adopts the two-tiered approach"); *Harrison v. McDonald's Corp.*, 411 F.Supp.2d 862, 864-65 (S.D. Ohio 2005) ("[c]ourts have generally adopted a two-tiered certification approach").

As the Sixth Circuit explained in *Comer*, the first phase, which the court referred to as

“the notice stage,” “takes place at the beginning of discovery.” *Comer*, 454 F.3d at 546. At this stage, the court conditionally certifies a class as a “collective action for notice purposes.” *McNelley*, at *4. “The second occurs after all of the opt-in forms have been received and discovery has concluded.” *Comer*, 454 F.3d at 546. At this stage, “a court makes a final determination on whether class members are similarly situated based on a thorough review of the record.” *McNelley*, at *4.

At “the notice stage,” the representative plaintiff must show “only that ‘his position is similar, not identical, to the positions held by the putative class members,’” and this determination “need only be based on a modest factual showing.” *Comer*, 454 F.3d at 548 (quoting *Pritchard v. Dent Wizard Int’l*, 210 F.R.D. 591, 596 (S.D. Ohio 2002) (quoting *Viciedo v. New Horizons Computer*, 246 F.Supp.2d 886 (S.D. Ohio 2001)); *Allen v. Marshall Field & Co.*, 93 F.R.D. 438, 443 (N.D. Ill. 1982)). The determination “is made using a fairly lenient standard, and typically results in ‘conditional certification’ of a representative class.” *Comer*, 454 F.3d at 547 (quoting *Morisky v. Public Serv. Elec. & Gas Co.*, 111 F. Supp. 2d 493, 497 (D.N.J. 2000) (quoting *Thiessen v. General Elec. Capital Corp.*, 996 F. Supp. 1071, 1080 (D. Kan. 1998); *Roebuck v. Hudson Valley Farms, Inc.*, 239 F. Supp. 2d 234, 238 (N.D.N.Y. 2002))).

Courts have found that the representative plaintiff’s burden is minimal at the notice stage. *Houston v. Progressive Cas. Ins. Co.*, No. 1:15-CV-1853, 2015 WL 8527339, at *1 (N.D. Ohio Dec. 11, 2015) (During the first stage, which typically takes place at the beginning of discovery, the standard for conditional certification is “fairly lenient.”); *Ribby v. Liberty Health Care Corp.*, No. 3:13-CV-613, 2013 WL 3187260 (N.D. Ohio June 20, 2013) (“the notice stage is fairly lenient and places a low burden on plaintiffs”); *Albright*, 2010 WL 6121689, at *3; *Jackson*, 2009 WL 385580, at *4; *Douglas*, 2007 WL 1341779, at *8; *Harrison v. McDonald’s Corp.*, 411 F. Supp. 2d 862, 864-65 (S.D. Ohio 2005); *Pritchard*, 210 F.R.D. at 595. *See also Reab v.*

Electronic Arts, Inc., 214 F.R.D. 623, 628 (D. Colo. 2002) (granting conditional certification based largely on the allegations of the complaint, where 3,000 potential opt-in plaintiffs existed).

Other circuit courts concur that a plaintiff's burden at the notice stage is minimal. *See Cameron-Grant v. Maxim Healthcare Serv., Inc.*, 347 F.3d 1240, 1243 (11th Cir. 2003) (citing *Hipp*, 252 F.3d at 1218 (11th Cir. 2001) (“At the notice stage, the district court makes a decision — usually based only on the pleadings and any affidavits which have been submitted — whether notice of the action should be given to potential class members. Because the court has minimal evidence, this determination is made using a fairly lenient standard, and typically results in ‘conditional certification.’”); *Thiessen v. GE Capital Corp.*, 267 F.3d 1095, 1102 (10th Cir. 2001), *cert. denied*, 536 U.S. 934 (2002) (notice determination “requires[s] nothing more than substantial allegations that the putative class members were together the victims of a single decision, policy, or plan”).

It is only “[a]t the second stage, following discovery, [that] trial courts examine more closely the question of whether particular members of the class are, in fact, similarly situated.” *Comer*, 454 F.3d at 547; *Albright*, 2010 WL 6121689, at *3; *Jackson*, 2009 WL 385580, at *5. At that point “the court has much more information on which to base its decision and, as a result, [it] employs a stricter standard.” *Comer*, 454 F.3d at 547 (citing *Morisky v. Public Serv. Elec. & Gas Co.*, 111 F.Supp.2d 493, 497 (D.N.J. 2000)). *See also Goldman v. Radioshack Corp.*, No. 03-CV-0032, 2003 WL 21250571, at *8 (E.D. Pa. Apr. 16, 2003) (“A fact-specific inquiry is conducted only after discovery and a formal motion to decertify the class is brought by the defendant.... It is simply premature to do so now because we lack sufficient evidence to conduct a more rigorous inquiry.”); *Mueller v. CBS, Inc.*, 201 F.R.D. 425, 428 (W.D. Pa. 2001) (holding that the second stage comes after the “putative class members have filed their consents to opt-in and further discovery has taken place to support plaintiff's assertions... and the matter is ready

for trial.”).

III. PLAINTIFFS HAVE SATISFIED THEIR MODEST BURDEN OF SHOWING THAT THE POTENTIAL OPT-IN PLAINTIFFS IN THIS FLSA COLLECTIVE ACTION ARE SIMILARLY-SITUATED

More than sufficient information exists in the present collective action to establish that the potential opt-in plaintiffs are similarly situated such that prompt notice of the action should be given. First, Representative Plaintiffs Paulette Luster and Betty Haas alleged in their Complaint and submitted declarations stating that they and the potential opt-in plaintiffs are similarly situated. (See Exhibits 2 and 3, Declarations of Consent of Paulette Luster and Betty Haas). Second, Opt-In Party Plaintiffs Cornell Alexander, Janiese Cage, Marquez Cross, Pamela Dubisky, Eric Fletcher, Brad Hintz, Andre Hunter-Eldride, Deborah Kirk, Renae Kleski, Lisa Leach, Keith Matthews, Mark McClinton, Patti Jo Moore, Watisha Ponyard, Michael Seay, Cynthia Slater, Teddy Smith Jr., Martise Spencer, Michael Stover Jr., Ramone Terrell, Beth Zorger, and Megan Zorger have submitted declarations establishing that they are similarly situated to Representative Plaintiffs and the potential opt-in plaintiffs. (See Exhibit 4, Declarations of Opt-In Plaintiffs.)

A. Representative Plaintiffs Paulette Luster and Betty Haas Alleged in Their Complaint and Submitted Declarations Stating That They and the Potential Opt-in Plaintiffs are Similarly-Situated

In Representative Plaintiffs’ Complaint, they defined the class as follows:

All current and former traffic control specialists employed by AWP, Inc. at any time between October 26, 2013 and the present.

(See Plaintiffs’ Complaint at ¶ 77). Representative Plaintiffs and the class are similarly situated in several ways. First, they are/were employed by AWP as traffic control specialists. *Id.* at ¶¶ 1, 12, 15, 16, and 77. Second, they were classified by AWP as non-exempt employees. *Id.* at ¶ 17. Third, they were paid by AWP on an hourly basis. *Id.* at ¶ 18. Fourth, they work/worked in

excess of 40 hours per week. *Id.* at ¶¶ 1, 82. Fifth, they were only paid for work performed between the time they arrived and left the work site. *Id.* at ¶ 21. Sixth, they were not paid for work before arriving to the work site, including completing pre-trip inspections on AWP's vehicles, fueling AWP's vehicles, transporting other employees, and driving AWP's vehicles to the work sites. *Id.* at ¶¶ 22, 48-49. Seventh, they were not paid for work performed after leaving the work sites, including driving AWP's vehicles from the work sites and completing post-trip inspections on AWP's vehicles. *Id.* at ¶¶ 22, 55, 64. Eighth, they were not paid overtime compensation at the rate of one and a half times their hourly rate for the hours they worked in excess of 40 each workweek. *Id.* at ¶ 1, 82.

In addition to the allegations in Plaintiffs' Complaint, Representative Plaintiffs submitted declarations stating that they and the potential opt-in plaintiffs are similar in these regards.

Representative Plaintiff Paulette Luster declared:

1. I was employed by AWP Inc. d/b/a Area Wide Protective ("AWP") as a non-exempt traffic control specialist between March 2015 and November 2015.
2. During my employment, AWP paid me on an hourly basis.
3. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point was AWP's place of business.
4. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and

- e. Completing a post-trip inspection on AWP's vehicle.
5. AWP required me to perform this unpaid work each day.
6. I regularly worked over 40 hours per week, but I was not paid overtime compensation at the rate of one and one-half times my regular rate of pay for all of the hours I worked over 40 each workweek.
7. As a result of AWP's practices and policies, I was not compensated for all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other traffic control specialist, and I believe I am similarly-situated to these individuals.
9. I seek to recover unpaid overtime compensation from AWP under the FLSA, and consent to be a named Plaintiff in the above-captioned collective action. I agree to be bound by any adjudication of this action by the Court, and any collective action settlement approved by this Court as being fair, adequate, and reasonable.
10. I consent to bring this action on behalf of myself and a class of similarly-situated opt-in plaintiffs, as defined in the Complaint as follows:

All current and former traffic control specialists employed by AWP, Inc. at any time between October 26, 2013 and the present.

11. I believe that I am similarly situated to the class of opt-in plaintiffs because, during my employment at AWP, I observed that the class and I:
 - (a) are/were employed as traffic control specialists;
 - (b) are/were paid on an hourly basis;
 - (c) are/were classified by AWP as non-exempt employees;
 - (d) work/worked in excess of 40 hours in a workweek;
 - (e) are/were only paid for worked performed between the times we arrived and left the work sites;
 - (f) are/were not paid for work before arriving to the work site, including completing pre-trip inspections on AWP's vehicles, fueling AWP's vehicles, transporting other employees, and driving AWP's vehicles to the work sites;
 - (g) are/were not paid for work performed after leaving the work sites, including driving AWP's vehicles from the work sites and completing post-trip inspections on AWP's vehicles; and

- (h) are/were not paid overtime at the rate of one and one-half times our regular rates of pay for all of the hours we worked over 40 in a workweek.

(See Exhibit 2, Declaration of Consent of Paulette Luster).

Representative Plaintiff Betty Haas declared:

1. I was employed by AWP Inc. d/b/a Area Wide Protective (“AWP”) as a non-exempt traffic control specialist between October 2014 and September 2016.
2. During my employment, AWP paid me on an hourly basis.
3. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point was my home.
4. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP’s vehicle;
 - b. Fueling AWP’s vehicle;
 - c. Driving AWP’s vehicle from my home or AWP’s place of business to the work sites;
 - d. Driving AWP’s vehicle from the work sites to my home or AWP’s place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP’s vehicle.
5. AWP required me to perform this unpaid work each day.
6. I regularly worked over 40 hours per week, but I was not paid overtime compensation at the rate of one and one-half times my regular rate of pay for all of the hours I worked over 40 each workweek.
7. As a result of AWP’s practices and policies, I was not compensated for all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other traffic control specialist, and I believe I am similarly-situated to these individuals.

9. I seek to recover unpaid overtime compensation from AWP under the FLSA, and consent to be a named Plaintiff in the above-captioned collective action. I agree to be bound by any adjudication of this action by the Court, and any collective action settlement approved by this Court as being fair, adequate, and reasonable.

10. I consent to bring this action on behalf of myself and a class of similarly-situated opt-in plaintiffs, as defined in the Complaint as follows:

All current and former traffic control specialists employed by AWP, Inc. at any time between October 26, 2013 and the present.

11. I believe that I am similarly situated to the class of opt-in plaintiffs because, during my employment at AWP, I observed that the class and I:

- (a) are/were employed as traffic control specialists;
- (b) are/were paid on an hourly basis;
- (c) are/were classified by AWP as non-exempt employees;
- (d) work/worked in excess of 40 hours in a workweek;
- (e) are/were only paid for worked performed between the times we arrived and left the work sites;
- (f) are/were not paid for work before arriving to the work site, including completing pre-trip inspections on AWP's vehicles, fueling AWP's vehicles, transporting other employees, and driving AWP's vehicles to the work sites;
- (g) are/were not paid for work performed after leaving the work sites, including driving AWP's vehicles from the work sites and completing post-trip inspections on AWP's vehicles; and
- (h) are/were not paid overtime at the rate of one and one-half times our regular rates of pay for all of the hours we worked over 40 in a workweek.

(See Exhibit 3, Declaration of Consent of Betty Haas.)

Thus, Representative Plaintiffs have sufficiently alleged that they and the potential opt-in plaintiffs are similarly situated. These specific and substantial allegations alone warrant conditional certification. *Reab*, 214 F.R.D. at 628.

B. The Opt-in Party Plaintiffs Have Submitted Declarations Establishing That They Are Similarly Situated to Representative Plaintiffs and The Potential Opt-In Plaintiffs

In addition to Representative Plaintiffs' allegations, Opt-In Party Plaintiffs Cornell Alexander, Janiese Cage, Marquez Cross, Pamela Dubisky, Eric Fletcher, Brad Hintz, Andre Hunter-Eldride, Deborah Kirk, Renae Kleski, Lisa Leach, Keith Matthews, Mark McClinton, Patti Jo Moore, Watisha Ponyard, Michael Seay, Cynthia Slater, Teddy Smith Jr., Martise Spencer, Michael Stover Jr., Ramone Terrell, Beth Zorger, and Megan Zorger, who have already opted in to this collective action as party Plaintiffs pursuant to 29 U.S.C. § 216(b), have filed with the Court Notices of Consent, and have provided declarations establishing that they are similarly situated to Representative Plaintiffs and the potential opt-in plaintiffs. They have stated:

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
3. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were AWP's place of business and/or my home.
4. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
5. AWP required me to perform this unpaid work each day.

6. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
7. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

(See Exhibit 4, Declarations of Cornell Alexander, Janiese Cage, Marquez Cross, Pamela Dubisky, Eric Fletcher, Brad Hintz, Andre Hunter-Eldride, Deborah Kirk, Renae Kleski, Lisa Leach, Keith Matthews, Mark McClinton, Patti Jo Moore, Watisha Ponyard, Michael Seay, Cynthia Slater, Teddy Smith Jr., Martise Spencer, Michael Stover Jr., Ramone Terrell, Beth Zorger, and Megan Zorger.)

These 23 declarations are more than sufficient evidence to warrant conditional certification. *Bauer v. Transtar Industries, Inc.*, No. 1:15-cv-2602, 2016 WL 1408830, *3 (N.D. Ohio 2016) (declaration of representative plaintiff and two (2) opt-in plaintiffs is sufficient “to meet the law threshold for showing they are similarly situated”); *Ziemski*, 2011 WL 1366668, at *2 (“affidavits of named Plaintiff and two opt-in Plaintiffs fulfills the ‘modest factual showing’”); *Douglas*, 2007 WL 1341779, at *6 (two affidavits are “sufficient to warrant conditional treatment of the case as a collective action” and notice to the opt-in class); *Brown*, 222 F.R.D. at *19 (conditional certification appropriate based on allegations in a complaint supported by affidavits of two former employees); *De Asencio v. Tyson Foods, Inc.*, 130 F. Supp. 2d 660, 663-64, aff'd 342 F.3d 301 (3rd Cir. 2003) (declarations of four employees justifies notice to the opt-in class); *Pendlebury v. Starbucks Coffee Co.*, No. 04-CV-80521, 2005 WL 84500, at *4 (S.D. Fla. January 03, 2005) (allegations in a complaint and declarations of four former employees sufficient to meet lenient standard to justify notice to “thousands of different store managers around the country”); *Chin v. Tile Shop, LLC*, 57 F. Supp. 3d 1075, 1083 (D. Minn. 2014) (declaration of representative plaintiff and two (2) other former employees is sufficient); *Grayer, et al. v. Kennametal, Inc.*, No. 1:16-cv-1382 (N.D. Ohio 2016) (declarations

of representative Plaintiffs and 11 opt-in plaintiff's sufficient).

IV. PLAINTIFFS' PROPOSED OPT-IN DISCOVERY SHOULD BE APPROVED

Representative Plaintiffs easily meet the minimal burden of showing that they are similarly situated to the potential opt-in plaintiffs. Therefore, conditional certification of the FLSA class, expedited opt-in discovery, and court-supervised notice are warranted, as discussed above. *See* Section II(A)(2), *supra*.

To facilitate prompt notice to the potential opt-in plaintiffs, Representative Plaintiffs have attached hereto a set of opt-in discovery requests (*see* Exhibit 5). Therein, Plaintiffs seek the identity, contact information, and pertinent employment dates of all current and former individuals employed by AWP Inc. d/b/a Area Wide Protective as traffic control specialists between October 26, 2013 and the present.

The requested information is necessary to determine the contact information for the potential opt-in plaintiffs who will be eligible to be notified of this lawsuit in the event the Court grants the instant Motion. In *Hoffman-La Roche*, the Supreme Court flatly affirmed the district court's approval of both expedited interrogatories seeking the names of potential opt-in plaintiffs and court-facilitated notice to the potential opt-ins.

As discussed above, time is of the essence, because the commencement of an FLSA collective action does not toll the running of the statute of limitations for the potential opt-in plaintiffs. Accordingly, prompt notification is necessary for the potential opt-ins to receive the full benefit of the FLSA's collective action mechanism and vindicate their FLSA rights in an economical and efficient manner. *See Hoffman-LaRoche*, 493 U.S. at 170 (the benefits of a collective action "depend on employees receiving accurate and timely notice"); *accord Douglas*, 2007 WL 1341779, at *3; *Miklos*, 2000 WL 1617969, at *3.

V. CONCLUSION

For the foregoing reasons, Representative Plaintiffs respectfully request that this Honorable Court conditionally certify the proposed FLSA class and implement a procedure, set forth in the accompanying proposed order (*see* Exhibit 1), whereby potential opt-in plaintiffs are notified of Plaintiffs' FLSA claims and given an opportunity to join this collective action as party plaintiffs pursuant to 29 U.S.C. § 216(b).

Respectfully submitted,

/s/ Chastity L. Christy
Chastity L. Christy (0076977)
Anthony J. Lazzaro (0077962)
Lori M. Griffin (0085241)
The Lazzaro Law Firm, LLC
920 Rockefeller Building
614 W. Superior Avenue
Cleveland, Ohio 44113
Phone: 216-696-5000
Facsimile: 216-696-7005
anthony@lazzarolawfirm.com
chastity@lazzarolawfirm.com
lori@lazzarolawfirm.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2016, a copy of the foregoing *Plaintiffs' Motion for Conditional Certification, Expedited Opt-In Discovery, and Court-Supervised Notice to Potential Opt-In Plaintiffs, and Memorandum in Support* was sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

/s/ Chastity L. Christy
One of the Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAULETTE LUSTER and BETTY HAAS,) CASE NO. 1:16-cv-02613
on behalf of themselves and all others)
similarly situated,) JUDGE CHRISTOPHER A. BOYKO
)
Plaintiffs,)
)
vs.)
) **ORDER**
)
AWP INC., D/B/A AREA WIDE)
PROTECTIVE)
)
Defendant.)
)
)

NOW, this ____ day of _____, 2017, IT IS HEREBY ORDERED
that Plaintiffs' Motion for Conditional Certification, Expedited Opt-In Discovery, and Court-
Supervised Notice to Potential Opt-In Plaintiffs is GRANTED and the parties shall proceed as
follows:

- 1) Within 14 days of this Order, Defendant shall fully answer Plaintiffs' Expedited
Opt-In Discovery, and shall provide to Plaintiffs and the Court an Excel spreadsheet containing
the name, last known home address (including zip code), last known telephone number, last
known email address, and employment dates (in Microsoft Office Excel format) of all current
and former individuals employed by AWP Inc. d/b/a Area Wide Protective as traffic control
specialists between October 26, 2013 and the present; and
- 2) Within 10 days of this Order, the parties shall submit to the Court proposed
language for notification and consent forms to be issued via First-Class Mail and Email,
apprising potential plaintiffs of their rights under the FLSA to opt in as parties to this litigation.

In drafting the proposed notification language, the parties should “be scrupulous to respect judicial neutrality” and “take care to avoid even the appearance of judicial endorsement of the merits of the action.” *Hoffman-LaRoche Inc. v. Sperling*, 493 U.S. 165, 174 (1989).

JUDGE CHRISTOPHER A. BOYKO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAULETTE LUSTER and BETTY HAAS,) CASE NO. 1:16-cv-02613
on behalf of themselves and all others)
similarly situated,) JUDGE CHRISTOPHER A. BOYKO
)
Plaintiffs,)
)
vs.) **DECLARATION OF CONSENT OF**
) **PAULETTE LUSTER TO BE A**
AWP INC., D/B/A AREA WIDE) **REPRESENTATIVE PLAINTIFF FOR A**
PROTECTIVE) **CLASS OF SIMILARLY-SITUATED OPT-**
) **IN PLAINTIFFS**
Defendant.)
)

I, Paulette Luster, pursuant to 28 U.S.C. § 1746, hereby declare, under penalty of perjury, that the following is true and correct to the best of my personal knowledge, information, and belief:

1. I was employed AWP Inc. d/b/a Area Wide Protective (“AWP”) as a non-exempt traffic control specialist between March 2015 and November 2015.
2. During my employment, AWP paid me on an hourly basis.
3. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point was AWP’s place of business.
4. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:

eSign or return to:
The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

- a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
5. AWP required me to perform this unpaid work each day.
 6. I regularly worked over 40 hours per week, but I was not paid overtime compensation at the rate of one and one-half times my regular rate of pay for all of the hours I worked over 40 each workweek.
 7. As a result of AWP's practices and policies, I was not compensated for all of the overtime hours I worked over 40 each workweek.
 8. I observed that AWP did this to other traffic control specialist, and I believe I am similarly-situated to these individuals.
 9. I seek to recover unpaid overtime compensation from AWP under the FLSA, and consent to be a named Plaintiff in the above-captioned collective action. I agree to be bound by any adjudication of this action by the Court, and any collective action settlement approved by this Court as being fair, adequate, and reasonable.
 10. I consent to bring this action on behalf of myself and a class of similarly-situated opt-in plaintiffs, as defined in the Complaint as follows:

All current and former traffic control specialists employed by AWP, Inc.
at any time between October 26, 2013 and the present.

11. I believe that I am similarly situated to the class of opt-in plaintiffs because, during my employment at AWP, I observed that the class and I:


eSign or return to:

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Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

- (a) are/were employed as traffic control specialists;
- (b) are/were paid on an hourly basis;
- (c) are/were classified by AWP as non-exempt employees;
- (d) work/worked in excess of 40 hours in a workweek;
- (e) are/were only paid for worked performed between the times we arrived and left the work sites;
- (f) are/were not paid for work before arriving to the work site, including completing pre-trip inspections on AWP's vehicles, fueling AWP's vehicles, transporting other employees, and driving AWP's vehicles to the work sites;
- (g) are/were not paid for work performed after leaving the work sites, including driving AWP's vehicles from the work sites and completing post-trip inspections on AWP's vehicles; and
- (h) are/were not paid overtime at the rate of one and one-half times our regular rates of pay for all of the hours we worked over 40 in a workweek.

WHEREFORE, I hereby consent and agree to be a representative Plaintiff in the above-captioned collective action against Defendant and to be represented by the Lazzaro Law Firm, LLC.

Signature:


Paulette Luster (Dec 13, 2016)

Date: Dec 13, 2016

Full Name: Paulette Luster

Street Address: 4964 E110

City, State, Zip: Garfield Hts 44125

eSign or return to:

The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAULETTE LUSTER and BETTY HAAS,) CASE NO. 1:16-cv-02613
on behalf of themselves and all others)
similarly situated,) JUDGE CHRISTOPHER A. BOYKO
)
Plaintiffs,)
)
vs.) **DECLARATION OF CONSENT OF**
) **BETTY HAAS TO BE A**
AWP INC., D/B/A AREA WIDE) **REPRESENTATIVE PLAINTIFF FOR A**
PROTECTIVE) **CLASS OF SIMILARLY-SITUATED OPT-**
) **IN PLAINTIFFS**
Defendant.)
)
)

I, Betty Haas, pursuant to 28 U.S.C. § 1746, hereby declare, under penalty of perjury, that the following is true and correct to the best of my personal knowledge, information, and belief:

1. I was employed AWP Inc. d/b/a Area Wide Protective (“AWP”) as a non-exempt traffic control specialist between October 2014 and September 2016.
2. During my employment, AWP paid me on an hourly basis.
3. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point was my home.
4. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP’s vehicle;
 - b. Fueling AWP’s vehicle;

eSign or return to:
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Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

- c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
5. AWP required me to perform this unpaid work each day.
 6. I regularly worked over 40 hours per week, but I was not paid overtime compensation at the rate of one and one-half times my regular rate of pay for all of the hours I worked over 40 each workweek.
 7. As a result of AWP's practices and policies, I was not compensated for all of the overtime hours I worked over 40 each workweek.
 8. I observed that AWP did this to other traffic control specialist, and I believe I am similarly-situated to these individuals.
 9. I seek to recover unpaid overtime compensation from AWP under the FLSA, and consent to be a named Plaintiff in the above-captioned collective action. I agree to be bound by any adjudication of this action by the Court, and any collective action settlement approved by this Court as being fair, adequate, and reasonable.
 10. I consent to bring this action on behalf of myself and a class of similarly-situated opt-in plaintiffs, as defined in the Complaint as follows:

All current and former traffic control specialists employed by AWP, Inc.
at any time between October 26, 2013 and the present.

11. I believe that I am similarly situated to the class of opt-in plaintiffs because, during my employment at AWP, I observed that the class and I:
 - (a) are/were employed as traffic control specialists;

eSign or return to:

The Lazzaro Law Firm, LLC
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Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

- (b) are/were paid on an hourly basis;
- (c) are/were classified by AWP as non-exempt employees;
- (d) work/worked in excess of 40 hours in a workweek;
- (e) are/were only paid for worked performed between the times we arrived and left the work sites;
- (f) are/were not paid for work before arriving to the work site, including completing pre-trip inspections on AWP's vehicles, fueling AWP's vehicles, transporting other employees, and driving AWP's vehicles to the work sites;
- (g) are/were not paid for work performed after leaving the work sites, including driving AWP's vehicles from the work sites and completing post-trip inspections on AWP's vehicles; and
- (h) are/were not paid overtime at the rate of one and one-half times our regular rates of pay for all of the hours we worked over 40 in a workweek.

WHEREFORE, I hereby consent and agree to be a representative Plaintiff in the above-captioned collective action against Defendant and to be represented by the Lazzaro Law Firm, LLC.

Signature:

Betty C Haas
Betty C Haas (Dec 12, 2016)

Date: Dec 12, 2016

Full Name: Betty C Haas
Street Address: 2223 25th Street NE
City, State, Zip: Canton Ohio 44705

eSign or return to:

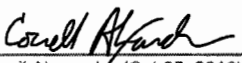
The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
10/15/2012 to 7/14/2016
3. I was/am employed in the following location(s):
Downtown and Fairfield - (Cincinnati, OH) (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Cornell Alexander (Oct 25, 2016)

Date: Oct 25, 2016

Full Name: Cornell Alexander
Street Address: 434 Dayton Street
City, State, Zip: Cincinnati, OH 45214
Phone: 513-290-8071
Email: calexander77@ymail.com

eSign or return to:

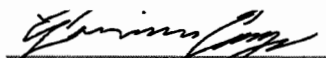
The Lazzaro Law Firm, LLC
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Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
8/26/15 to 4/7/16
3. I was/am employed in the following location(s):
Oakwood village, ohio (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Janiese Cage (Oct 26, 2016)

Date: Oct 26, 2016

Full Name: Janiese Cage
Street Address: 2536 b e. 49th st.
City, State, Zip: Cleveland, Ohio 44104
Phone: 2167023854
Email: cagejan@gmail.com

eSign or return to:

The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
May 31 2013 to Present
3. I was/am employed in the following location(s):
Cincinnati ohio (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Marquez Cross (Nov 22, 2016)

Date: Nov 22, 2016

Full Name: Marquez Cross
Street Address: 2670 Jackway ct
City, State, Zip: Cincinnati Ohio 45239
Phone: 5132908753
Email: crossmarquez7@gmail.com

eSign or return to:

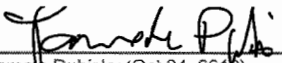
The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
03/05/2013 to 07/24/2016
3. I was/am employed in the following location(s):
Knoxville, Tn (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Pamela Dubisky (Oct 24, 2016)

Date: Oct 24, 2016

Full Name: Pamela Dubisky
Street Address: 7308 Foxlair Rd
City, State, Zip: Knoxville, Tn 37918
Phone: 865-300-1912
Email: pdubisky@gmail.com

eSign or return to:


The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
June 10, 2012 to February 25, 2016
3. I was/am employed in the following location(s):
Manassas/Fredericksburg (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Eric Fletcher (Oct 24, 2016)

Date: Oct 24, 2016

Full Name: Eric Fletcher
Street Address: 9479 Inaugural Drive
City, State, Zip: King George VA
Phone: 2409380366
Email: efletcher87@yahoo.com

eSign or return to:

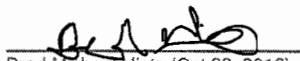
The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
6/28/15 to 10/01/15
3. I was/am employed in the following location(s):
Canton (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Brad Michael Hintz (Oct 30, 2016)

Date: Oct 30, 2016

Full Name: Brad Michael Hintz
Street Address: 5416 M St lot 166
City, State, Zip: Magnolia, OH 44644
Phone: 2342142184
Email: b_hintz_77@yahoo.com

eSign or return to:

The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
09/2014 to 09/2015
3. I was/am employed in the following location(s):
Charlotte, NC (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:

Andre Hunter-Eldridge
Andre Hunter-Eldridge (Oct 26, 2016)

Date: Oct 26, 2016

Full Name: Andre Hunter-Eldridge

Street Address: 240 Montibello Dr

City, State, Zip: Mooresville, NC, 28117

Phone: 3477645232

Email: alhe42@gmail.com

eSign or return to:

The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
4/2008 to 12/2015
3. I was/am employed in the following location(s):
Youngstown, Ohio (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Deborah Kirk (Oct 24, 2016)

Date: Oct 24, 2016

Full Name: Deborah Kirk
Street Address: 6007 W Liberty St
City, State, Zip: Hubbard, Ohio 44425
Phone: 330-716-5577
Email: dj91872@yahoo.com

eSign or return to:

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920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
03/15 to 02/16
3. I was/am employed in the following location(s):
Canton, Ohio (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature: Rena S. Kleski
Rena S. Kleski (Oct 26, 2016)

Date: Oct 26, 2016

Full Name: Rena S. Kleski
Street Address: 4593 Swonger Rd NW Apt C
City, State, Zip: Dover, Ohio 44622
Phone: 330-987-3313
Email: rkleski@drascinc.com

eSign or return to:

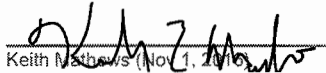
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Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
Feb 2015 to May 2016
3. I was/am employed in the following location(s):
Indianapolis and Peru Indiana (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Keith Mathews (Nov 1, 2016)

Date: Nov 1, 2016

Full Name: Keith Mathews

Street Address: 3578 w. 100 n

City, State, Zip: Kokomo Indiana. 46901

Phone: 7654327561

Email: t3970km@aol.com

eSign or return to:


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Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
March 2014 to November 2015
3. I was/am employed in the following location(s):
Cincinnati Ohio (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Mark McClinton (Oct 24, 2016)

Date: Oct 24, 2016

Full Name:

Mark McClinton

Street Address:

1486 southridge ln

City, State, Zip:

Cincinnati oh 45231

Phone:

4197739558

Email:

mccclinton.mark2@gmail.com

eSign or return to:

The Lazzaro Law Firm, LLC

920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113

Phone: 216-696-5000 / Fax: 216-696-7005

Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective (“AWP”) as a traffic control specialist.

2. My approximate dates of employment are:

March 15 2015 to Feb 2016

3. I was/am employed in the following location(s):

Canton ohio (fill in city, state)

4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:

AWP’s place of business / my home (check one or both that apply)

5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:

- a. Completing a pre-trip inspection on AWP’s vehicle;
- b. Fueling AWP’s vehicle;
- c. Driving AWP’s vehicle from my home or AWP’s place of business to the work sites;
- d. Driving AWP’s vehicle from the work sites to my home or AWP’s place of business at the end of the day; and
- e. Completing a post-trip inspection on AWP’s vehicle.

6. AWP required me to perform this unpaid work each day.

7. As a result of AWP’s practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.

8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature: 
Patti Jo Moore (Oct 25, 2016)

Date: Oct 25, 2016

Full Name: Patti Jo Moore

Street Address: 310 Engadine Court Apt. A2

City, State, Zip: Sugarcreek, OH 44681

Phone: 3304075577

Email: brendanallman07@gmail.com

eSign or return to:

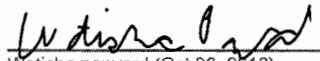
The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
06/30/15 to 10/15/16
3. I was/am employed in the following location(s):
Oakwood (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Watisha ponyard (Oct 26, 2016)

Date: Oct 26, 2016

Full Name: Watisha ponyard
Street Address: 15916 Edgewood ave
City, State, Zip: Maple hts ohio 44137
Phone: 2168491705
Email: ponyardwatisha@yahoo.com

eSign or return to:

The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
08/12/2014 to 02/01/2015
3. I was/am employed in the following location(s):
Panama City Florida (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:

Michael Pierre Seay
Michael Pierre Seay (Oct 24, 2016)

Date: Oct 24, 2016

Full Name: Michael Pierre Seay
Street Address: 5204 Unit B Beach Drive
City, State, Zip: Panama, Florida, 32408
Phone: 229-563-6204
Email: mikeseay@hotmail.com

eSign or return to:

The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.

2. My approximate dates of employment are:

Dec 2007 to June 2015

3. I was/am employed in the following location(s):

Akron Ohio

(fill in city, state)

4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:

AWP's place of business / my home (check one or both that apply)

5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:

- a. Completing a pre-trip inspection on AWP's vehicle;
- b. Fueling AWP's vehicle;
- c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
- d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
- e. Completing a post-trip inspection on AWP's vehicle.

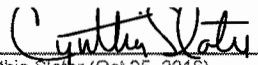
6. AWP required me to perform this unpaid work each day.

7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.

8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Cynthia Slater (Oct 25, 2016)

Date: Oct 25, 2016

Full Name: Cynthia Slater

Street Address: 411 N Columbus Street

City, State, Zip: Galion Ohio 44833

Phone: 3309888038

Email: nativehrt@hotmail.com

eSign or return to:

The Lazzaro Law Firm, LLC

920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113

Phone: 216-696-5000 / Fax: 216-696-7005

Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.

2. My approximate dates of employment are:

March 3rd 2015 to March 7th 2016

3. I was/am employed in the following location(s):

Martin's Ferry Ohio, Canton Ohio, Pennsylvania (fill in city, state)

4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:

AWP's place of business / my home (check one or both that apply)

5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:

- a. Completing a pre-trip inspection on AWP's vehicle;
- b. Fueling AWP's vehicle;
- c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
- d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
- e. Completing a post-trip inspection on AWP's vehicle.


6. AWP required me to perform this unpaid work each day.

7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.

8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Teddy Dean Smith Jr. (Oct 25, 2016)

Date: Oct 25, 2016

Full Name: Teddy Dean Smith Jr.

Street Address: P.O. Box 544

City, State, Zip: Saint Clairsville Ohio 43950

Phone: 1-304-907-5946

Email: tedroe41@gmail.com

eSign or return to:

The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION


1. I was/am employed by Area Wide Protective (“AWP”) as a traffic control specialist.
2. My approximate dates of employment are:

08/10/15 to 04/01/16
3. I was/am employed in the following location(s):

Lynn haven (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:

 AWP’s place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP’s vehicle;
 - b. Fueling AWP’s vehicle;
 - c. Driving AWP’s vehicle from my home or AWP’s place of business to the work sites;
 - d. Driving AWP’s vehicle from the work sites to my home or AWP’s place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP’s vehicle.
6. AWP required me to perform this unpaid work each day.
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8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:  Date: Oct 24, 2016
Martise nyuan Spencer (Oct 24, 2016)

Full Name: Martise nyuan Spencer
Street Address: 1162 4th Ave
City, State, Zip: Chipley fl,32428
Phone: 8506245851
Email: martise7@gmail.com

eSign or return to:
The Lazzaro Law Firm, LLC
920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
july 10,2015 to july 14, 2016
3. I was/am employed in the following location(s):
dunbar wv (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:

Michael L Stover Jr
michael l stover jr (Oct 25, 2016)

Date: Oct 25, 2016

Full Name: michael l stover jr
Street Address: 54246 new poerland road
City, State, Zip: portland ohio 45770
Phone: 7405082710
Email: michaelstover6@gmail.com

eSign or return to:

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Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.

2. My approximate dates of employment are:

November 2013 to January 2015

3. I was/am employed in the following location(s):

OHIO

(fill in city, state)

4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:

AWP's place of business / my home (check one or both that apply)

5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:

- a. Completing a pre-trip inspection on AWP's vehicle;
- b. Fueling AWP's vehicle;
- c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
- d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
- e. Completing a post-trip inspection on AWP's vehicle.


6. AWP required me to perform this unpaid work each day.

7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.

8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Ramone Terrell (Oct 24, 2016)

Date: Oct 24, 2016

Full Name: Ramone Terrell

Street Address: 10810 Mt. overlook

City, State, Zip: OHIO

Phone: 2167734943

Email: ramoneterrell@ymail.com

eSign or return to:

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920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113
Phone: 216-696-5000 / Fax: 216-696-7005
Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
03/26/2012 to 11/10/2015
3. I was/am employed in the following location(s):
Canton, Ohio (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature: Beth A. Zorger
Beth A. Zorger (Oct 22, 2016)

Date: Oct 22, 2016

Full Name: Beth A. Zorger
Street Address: 8934 Rue Susan St.
City, State, Zip: Louisville, Ohio 44641
Phone: 330-224-7127
Email: beth9643@att.net

eSign or return to:

The Lazzaro Law Firm, LLC
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Email: consent@lazzarolawfirm.com / Web: www.lazzarolawfirm.com

DECLARATION

1. I was/am employed by Area Wide Protective ("AWP") as a traffic control specialist.
2. My approximate dates of employment are:
12/2012 to 8/2014
3. I was/am employed in the following location(s):
Stark and summit county wayne county (fill in city, state)
4. My job was to provide temporary traffic control services at work sites, such as one-lane flagging operations or multi-lane road closures. During my employment, I travelled to and from the work sites in an AWP vehicle, and my starting and ending point(s) was/were:
 AWP's place of business / my home (check one or both that apply)
5. I was only paid for work performed between the time I arrived and left the work sites. I was not paid for performing the following work before arriving to the work sites and after leaving the work sites:
 - a. Completing a pre-trip inspection on AWP's vehicle;
 - b. Fueling AWP's vehicle;
 - c. Driving AWP's vehicle from my home or AWP's place of business to the work sites;
 - d. Driving AWP's vehicle from the work sites to my home or AWP's place of business at the end of the day; and
 - e. Completing a post-trip inspection on AWP's vehicle.
6. AWP required me to perform this unpaid work each day.
7. As a result of AWP's practices and policies, I was not compensated for all of the time I worked, including all of the overtime hours I worked over 40 each workweek.
8. I observed that AWP did this to other employees, and I believe I am similarly-situated to these employees.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Signature:


Megan Garnett Zorger (Oct 21, 2016)

Date: Oct 21, 2016

Full Name: Megan Garnett Zorger
Street Address: 2104 17th st ne
City, State, Zip: Canton, ohio 44705
Phone: 330-212-6775
Email: megan306545@aol.com

eSign or return to:

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAULETTE LUSTER and BETTY HAAS,) CASE NO. 1:16-cv-02613
on behalf of themselves and all others)
similarly situated,) JUDGE CHRISTOPHER A. BOYKO
)
Plaintiffs,)
)
vs.)
) **PLAINTIFFS' OPT-IN DISCOVERY**
) **DIRECTED TO DEFENDANT**
AWP INC., D/B/A AREA WIDE)
PROTECTIVE)
)
Defendant.)

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiffs, on behalf of themselves and all others similarly situated, request that AWP Inc. d/b/a wide Protective respond to the following interrogatories:

Interrogatory No. 1

Provide the name, last known home address (including zip code), last known telephone number, last known email address, and employment dates (in Microsoft Office Excel format) of all current and former individuals employed by AWP Inc. d/b/a Area Wide Protective as traffic control specialists between October 26, 2013 and the present.

Interrogatory No. 2

Provide the dates of employment of every individual identified in Defendant's response to Interrogatory No. 1.

Respectfully submitted,

/s/ Chastity L. Christy
Chastity L. Christy (0076977)

Anthony J. Lazzaro (0077962)
Lori M. Griffin (0085241)
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anthony@lazzarolawfirm.com
chastity@lazzarolawfirm.com
lori@lazzarolawfirm.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2016, a copy of the foregoing *Plaintiffs' Opt-In Discovery Directed to Defendant* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

/s/ Chastity L. Christy
One of the Attorneys for Plaintiffs