

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 ROBERT MENDEZ, et al.,

No. C 11-2478 CW

5 Plaintiffs,

ORDER REGARDING
CURATIVE LETTER

6 v.

7 R+L CARRIERS, INC., R&L CARRIERS
8 SHARED SERVICES, LLC and DOES 1-
10,

9 Defendants.

10 _____/

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12 Both parties have filed briefs informing the Court that they
13 have agreed that a curative letter should be mailed to potential
14 class members, but that they have not agreed on the language of
15 the letter. Each side submits one letter and requests that the
16 Court choose one of the letters, with or without modification.
17 The Court has reviewed the letters and has composed the following
18 letter by adapting paragraphs from each of the letters.

19 Dear _____:

20 This letter has been sent to you because you have been
21 identified as a potential class member in the case, Mendez,
22 et al. v. R+L Carriers Shared Services, LLC (Shared
23 Services), et al., Case No. CV11-2478 CW, currently pending
24 in the United States District Court, Northern District of
25 California, the Hon. Claudia Wilken presiding. Plaintiffs'
26 lawsuit contends that class members were not paid for all
27 hours worked and were not provided with legally required meal
28 and rest periods. Plaintiffs seek to represent all
California based drivers for Shared Services from May, 2007
to the present. The District Court has made no ruling on the
merits of Plaintiffs' claims or Shared Services' defenses and
has not yet decided whether the action can proceed as a class
action.

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Shared Services denies Plaintiffs' claims and believes it properly provided meal and rest periods and also properly paid wages as required by California law. Shared Services denies any liability or wrongdoing of any kind in connection with this action.

As part of the investigation phase of the lawsuit, attorneys for Plaintiffs and/or Shared Services may seek to contact you to question you concerning your experiences at Shared Services. You are free to talk to either side, both sides or neither. You are under no obligation to provide information or to discuss this matter with Shared Services or their attorneys or representatives, or with the Plaintiffs' attorneys or any of their representatives. Notwithstanding anything you may have heard or been told in the past, you will not be retaliated against or rewarded for any decision you make about participating in the action or speaking with any attorneys.

This means you may speak with Plaintiffs' attorneys and otherwise participate in the lawsuit without fear of losing your job or having other adverse action taken against you by Shared Services. If you do decide to speak to Plaintiffs' attorneys and feel you have been retaliated against for doing so, you may contact Plaintiffs' attorneys, listed below.

Shared Services will not contact drivers with whom Shared Services' managers met in June or August 2011 in order to obtain signed declarations, and those declarations will not be used unless the declarant also signed a declaration prepared by Shared Services' attorneys at a later time or provided a signed declaration to Plaintiffs' counsel.

Whether or not you previously signed a declaration for Shared Services, you may discuss this case with Plaintiffs' attorneys. If you would like to, you may sign a declaration on behalf of Plaintiffs. Any communication with Plaintiffs' attorneys is confidential and will not be shared with Shared Services without your permission. Likewise, your communications with Shared Services' attorneys are confidential and will not be shared with Plaintiffs' attorneys without your permission.

The contact information for Plaintiffs' attorneys is below:

. . .

The contact information for Shared Services' attorneys is below:

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Yours truly,
Plaintiffs' attorneys
Defendants' attorneys

IT IS SO ORDERED.

Dated: 5/16/2012


CLAUDIA WILKEN
United States District Judge