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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DARRYL A. STITT, et al.,

Plaintiffs,

v.

**THE SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY, et al.,**

Defendants.

Case No.: 12-CV-3704 YGR

**ORDER APPROVING NOTICES TO THE
CERTIFIED CLASS**

The Court, having considered Plaintiffs' and Defendant's submission of a Joint Statement Regarding Notice to the Certified Class and exhibits thereto (Dkt. No. 204; see also Dkt. No. 194) filed in response to this Court's instructions during a telephonic conference on June 2, 2014 (Dkt. No. 202) and Order Setting Compliance Hearing (Dkt. No. 203), hereby approves the following forms of notices:

- Exhibit A, to send to the approximately 1,400 class members who have already signed and filed "Consent to Become Party Plaintiff" forms to opt in to the FLSA collective action;
- Exhibit B, to send to class members who have not already filed "Consent to Become Party Plaintiff" forms;
- Exhibit C, a "Participation Form" to be enclosed only with the Exhibit B form (in other words, mailed only to individuals who have not already filed "Consent to Become Party Plaintiff" forms); and
- Exhibit D, an "Exclusion Form" to be enclosed with all notices.

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IT IS SO ORDERED.

Date: June 13, 2014



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

EXHIBIT A

Stitt v. The San Francisco Municipal Transportation Agency, C-12-03704-YGR

Notice of Lawsuit Against the City and County of San Francisco

**The United States District Court for the Northern District of California
Authorized this Notice**

DATE: [The date of the Court’s Order], 2014

TO: All individuals who are currently employed, or formerly have been employed, by the City and County of San Francisco’s Municipal Transportation Agency (SFMTA) as a Transit Operator or in an equivalent position (Civil Service Classification 9163) at any time on or after July 16, 2009

**PLEASE READ THIS NOTICE: A CLASS ACTION AND COLLECTIVE ACTION
LAWSUIT MAY AFFECT YOUR RIGHTS**

YOUR LEGAL RIGHTS AND OPTIONS

There are two sets of claims: FLSA Collective Action Claims and State/Local Class Action Claims. You can participate in (a) both set of claims; (b) one or the other; or (c) neither. Your rights and options, and the deadlines, are explained in this notice and summarized below.

YOUR STATUS: IF YOU DO NOTHING, YOU WILL PARTICIPATE IN BOTH SETS OF CLAIMS.

OPTION	PROCEDURE
Participate in the FLSA Collective Action Claims	You have <u>already</u> taken the action required to participate in the FLSA Collective Action Claims by signing a participation form (“Consent to Become Party Plaintiff”) that was filed with the Court. If you want to remain in the FLSA Collective Action Claims, no further action is required.
Exclude Yourself from the FLSA Collective Action Claims	If you do not want to participate in the FLSA Collective Action Claims, you must send a letter to withdraw your consent. See section 6 for details.
Participate in the State/Local Class Action Claims	In order to participate in the State/Local Class Action Claims, no action is required.
Exclude Yourself from the State/Local Class Action Claims	If you do not want to participate in the State/Local Class Action Claims, you must fill out and return the enclosed “Exclusion Form” by [DATE].

1. Introduction

The purpose of this notice is to provide you with information regarding a class action and collective action lawsuit brought by certain Transit Operators against the City and County of San Francisco (the “City” or “Defendant”), to advise you of how your rights might be affected by this lawsuit, and to inform you of the procedures to participate in the lawsuit if you choose to do so.

On May 2, 2014, the Court granted the Plaintiffs’ motion to certify the lawsuit as a class action and collective action, and certified the following class:

All individuals who are currently employed, or formerly have been employed, by Defendant as a Transit Operator or in an equivalent position (Civil Service Classification 9163) at any time on or after July 16, 2009. Excluded from the Class are anyone employed by counsel for Plaintiffs in this action, and any Judge to whom this action is assigned and his or her immediate family members.

The Court has appointed Plaintiffs Darryl A. Stitt, Tony Grandberry, and Hedy Griffin as representatives of the class (the “Class Representatives” or “Plaintiffs”), and appointed The Tidrick Law Firm as the attorneys for the class.

You have received this notice because you may be a member of the class of individuals similarly situated to the Plaintiffs. The Court has ordered that this notice be sent to you to explain what the lawsuit is about and how you can participate in it, if you so choose to do so.

The Court has not made any final rulings on the merits of the lawsuit. The City has contested all of the claims brought by the Plaintiffs.

2. Description of the Lawsuit

Plaintiffs contend that the City has failed to pay Transit Operators for certain compensable time, including: (a) non-commute start-end travel time; (b) certain time associated with meetings; (c) certain time associated with turning in documents; and (d) unclaimed time operating a bus or train after the time when it was scheduled to arrive at the end of a run (“late runs”). Plaintiffs seek compensation for that time as well as liquidated damages, penalties, interest, attorneys’ fees, and costs associated with bringing this lawsuit.

Plaintiffs bring their claims under:

(1) state and local law, specifically, California Industrial Wage Commission Order 9-2001 (“Wage Order No. 9”), California Labor Code § 1194, and the San Francisco Minimum Wage Ordinance (“SFMWO”) which are the subject of the Class Action (collectively, the “State/Local Class Action Claims”); and

(2) federal law, specifically, the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207 which are the subject of the Collective Action (the “FLSA Collective Action Claims”).

The State/Local Class Action Claims and the FLSA Collective Action Claims

challenge the same employer practices, but each has a different procedure governing what actions, if any, you are required to take in order to participate. With respect to the State/Local Class Action Claims, all class members automatically participate unless they take action to “opt out” of those claims. In contrast, a class member does not participate in the FLSA Collective Action Claims unless he or she takes action to “opt in” to those claims.

3. Your Options

If you are currently employed, or formerly have been employed, by Defendant as a Transit Operator or in an equivalent position (Civil Service Classification 9163) at any time on or after July 16, 2009, you may participate in both the FLSA Collective Action Claims and the State/Local Class Action Claims. Alternatively, you can participate in one or the other, or neither. The procedures to participate or not participate are described in Section 6 below.

4. Effect of Participating

If you participate in either State/Local Class Action Claims or the FLSA Collective Action Claims or both, you will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable, in the claims in which you participate.

While the lawsuit proceeds, you may be required to respond to discovery related to the claims in this lawsuit including answering written questions, producing documents, having your deposition taken, and/or testifying in court. If you are required to do so, Plaintiffs’ counsel will assist you. Plaintiffs’ attorneys will not charge you directly for their work in this case. If there is no recovery, you will not be required to pay the attorneys for any of their work. If there is a recovery, Plaintiffs’ attorneys will receive whatever attorneys’ fees the Court orders. Those fees may be subtracted from the recovery obtained from Defendant, or they may be paid separately by Defendant, or there may be a combination of the two methods.

If you participate, you designate the Class Representatives as your agents to make decisions and agreements on your behalf concerning the lawsuit, and you give up the right to sue the Defendant on your own regarding the claims in which you participate. Any settlement of the State/Local Class Action Claims or the FLSA Collective Action Claims must be approved by the Court. You will have the right to object to any settlement.

5. Effect of Not Participating

If you do not participate in the State/Local Class Action Claims or the FLSA Collective Action Claims, or either of them, **you will not be bound** by any ruling, judgment, or settlement, whether favorable or unfavorable, and **you will not share in any recovery** whether by settlement or judgment, in the claims of the lawsuit in which you do not participate. If you do not participate, you are free to take action on your own to pursue claims of the lawsuit in which you do not participate, or you may do nothing at all.

6. Procedures to Participate or Not Participate

You may choose to participate in the State/Local Class Action Claims and/or the FLSA Collective Action Claims by following the procedures described below.

The FLSA Collective Action Claims. You have already opted in to the FLSA Collective Action Claims by signing a “Consent to Become Party Plaintiff” that was filed with

the Court. Therefore if you want to remain in the FLSA Collective Action Claims, **no further action is required**. If you do not want to participate in the FLSA Collective Action Claims, you must send by U.S. Mail, e-mail, or facsimile to The Tidrick Law Firm, at the address listed below, a letter that includes your name and address with your signature and date and that states: "I withdraw my consent to be part of the Stitt et al. v. SFMTA, et al., C-12-03704-YGR, FLSA Collective Action Claims."

State/Local Class Action Claims. In order to participate in the State/Local Class Action Claims, no action is required. Therefore, if you want to participate in the State/Local Class Action Claims, **no further action is required**. If you do not want to participate in the State/Local Class Action Claims, you must fill out the enclosed "Exclusion Form" and then return the completed form by U.S. mail, e-mail, or facsimile to The Tidrick Law Firm. The Tidrick Law Firm's mailing address, fax number, and e-mail address are listed below. The form must be signed, dated, and postmarked by [DATE] (if you mail it) or received by The Tidrick Law Firm (if you scan/email it or fax it) on or before [DATE] in order for you to be excluded.

7. No Retaliation Permitted

The law prohibits the City from retaliating against employees for exercising their rights under the FLSA, Wage Order No. 9, California Labor Code, or the SFMWO. Therefore, the City is prohibited from retaliating against you in any manner because you choose to participate in this lawsuit.

8. Your Legal Representation If You Participate

If you participate in this action, you will be represented by the Named Plaintiffs through their attorneys, as counsel for the class, specifically:

THE TIDRICK LAW FIRM
STEVEN G. TIDRICK, SBN 224760
JOEL B. YOUNG, SBN 236662
2039 Shattuck Avenue, Suite 308
Berkeley, California 94704
Phone: 510-788-5100
Fax: 510-291-3226
info@tidricklaw.com

9. Further Information

If you want further information about this Notice or the lawsuit, or have questions about the procedures and deadline described above, please write Plaintiffs' counsel at the address above, call Erika Valencia of The Tidrick Law Firm at (510) 788-5100, extension 90, or send an e-mail to her at admin@tidricklaw.com

10. Court Authorization

This notice and its contents have been authorized by the Honorable Judge Yvonne Gonzalez Rogers, United States District Court for the Northern District of California. The Court has not yet ruled on the merits of Plaintiffs' claims or of the City's defenses.

EXHIBIT B

Stitt v. The San Francisco Municipal Transportation Agency, C-12-03704-YGR

Notice of Lawsuit Against the City and County of San Francisco

**The United States District Court for the Northern District of California
Authorized this Notice**

DATE: [The date of the Court’s Order], 2014

TO: All individuals who are currently employed, or formerly have been employed, by the City and County of San Francisco’s Municipal Transportation Agency (SFMTA) as a Transit Operator or in an equivalent position (Civil Service Classification 9163) at any time on or after July 16, 2009

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LAWSUIT MAY AFFECT YOUR RIGHTS**

YOUR LEGAL RIGHTS AND OPTIONS

There are two sets of claims: FLSA Collective Action Claims and State/Local Class Action Claims. You can participate in (a) both set of claims; (b) one or the other; or (c) neither. Your rights and options, and the deadlines, are explained in this notice and summarized below.

YOUR STATUS: IF YOU DO NOTHING, YOU WILL BE EXCLUDED FROM THE FLSA COLLECTIVE ACTION CLAIMS AND YOU WILL PARTICIPATE ONLY IN THE STATE/LOCAL CLASS ACTION CLAIMS.

OPTION	PROCEDURE
Participate in the FLSA Collective Action Claims	If you want to participate in the FLSA Collective Action Claims, you must fill out and return the enclosed “Participation Form” by [DATE]
Exclude Yourself from the FLSA Collective Action Claims	If you do not want to participate in the FLSA Collective Action Claims, no action is required.
Participate in the State/Local Class Action Claims	In order to participate in the State/Local Class Action Claims, no action is required.
Exclude Yourself from the State/Local Class Action Claims	If you do not want to participate in the State/Local Class Action Claims, you must fill out and return the enclosed “Exclusion Form” by [DATE].

1. Introduction

The purpose of this notice is to provide you with information regarding a class action and collective action lawsuit brought by certain Transit Operators against the City and County of San Francisco (the “City” or “Defendant”), to advise you of how your rights might be affected by this lawsuit, and to inform you of the procedures to participate in the lawsuit if you choose to do so.

On May 2, 2014, the Court granted the Plaintiffs’ motion to certify the lawsuit as a class action and collective action, and certified the following class:

All individuals who are currently employed, or formerly have been employed, by Defendant as a Transit Operator or in an equivalent position (Civil Service Classification 9163) at any time on or after July 16, 2009. Excluded from the Class are anyone employed by counsel for Plaintiffs in this action, and any Judge to whom this action is assigned and his or her immediate family members.

The Court has appointed Plaintiffs Darryl A. Stitt, Tony Grandberry, and Hedy Griffin as representatives of the class (the “Class Representatives” or “Plaintiffs”), and appointed The Tidrick Law Firm as the attorneys for the class.

You have received this notice because you may be a member of the class of individuals similarly situated to the Plaintiffs. The Court has ordered that this notice be sent to you to explain what the lawsuit is about and how you can participate in it, if you so choose to do so.

The Court has not made any final rulings on the merits of the lawsuit. The City has contested all of the claims brought by the Plaintiffs.

2. Description of the Lawsuit

Plaintiffs contend that the City has failed to pay Transit Operators for certain compensable time, including: (a) non-commute start-end travel time; (b) certain time associated with meetings; (c) certain time associated with turning in documents; and (d) unclaimed time operating a bus or train after the time when it was scheduled to arrive at the end of a run (“late runs”). Plaintiffs seek compensation for that time as well as liquidated damages, penalties, interest, attorneys’ fees, and costs associated with bringing this lawsuit.

Plaintiffs bring their claims under:

(1) state and local law, specifically, California Industrial Wage Commission Order 9-2001 (“Wage Order No. 9”), California Labor Code § 1194, and the San Francisco Minimum Wage Ordinance (“SFMWO”) which are the subject of the Class Action (collectively, the “State/Local Class Action Claims”); and

(2) federal law, specifically, the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207 which are the subject of the Collective Action (the “FLSA Collective Action Claims”).

The State/Local Class Action Claims and the FLSA Collective Action Claims challenge the same employer practices, but each has a different procedure governing what actions, if any, you are required to take in order to participate. With respect to the State/Local

Class Action Claims, all class members automatically participate unless they take action to “opt out” of those claims. In contrast, a class member does not participate in the FLSA Collective Action Claims unless he or she takes action to “opt in” to those claims.

3. Your Options

If you are currently employed, or formerly have been employed, by Defendant as a Transit Operator or in an equivalent position (Civil Service Classification 9163) at any time on or after July 16, 2009, you may participate in both the FLSA Collective Action Claims and the State/Local Class Action Claims. Alternatively, you can participate in one or the other, or neither. The procedures to participate or not participate are described in Section 6 below.

4. Effect of Participating

If you participate in either State/Local Class Action Claims or the FLSA Collective Action Claims or both, you will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable, in the claims in which you participate.

While the lawsuit proceeds, you may be required to respond to discovery related to the claims in this lawsuit including answering written questions, producing documents, having your deposition taken, and/or testifying in court. If you are required to do so, Plaintiffs’ counsel will assist you. Plaintiffs’ attorneys will not charge you directly for their work in this case. If there is no recovery, you will not be required to pay the attorneys for any of their work. If there is a recovery, Plaintiffs’ attorneys will receive whatever attorneys’ fees the Court orders. Those fees may be subtracted from the recovery obtained from Defendant, or they may be paid separately by Defendant, or there may be a combination of the two methods.

If you participate, you designate the Class Representatives as your agents to make decisions and agreements on your behalf concerning the lawsuit, and you give up the right to sue the Defendant on your own regarding the claims in which you participate. Any settlement of the State/Local Class Action Claims or the FLSA Collective Action Claims must be approved by the Court. You will have the right to object to any settlement.

5. Effect of Not Participating

If you do not participate in the State/Local Class Action Claims or the FLSA Collective Action Claims, or either of them, **you will not be bound** by any ruling, judgment, or settlement, whether favorable or unfavorable, and **you will not share in any recovery** whether by settlement or judgment, in the claims of the lawsuit in which you do not participate. If you do not participate, you are free to take action on your own to pursue claims of the lawsuit in which you do not participate, or you may do nothing at all.

6. Procedures to Participate or Not Participate

You may choose to participate in the State/Local Class Action Claims and/or the FLSA Collective Action Claims by following the procedures described below.

The FLSA Collective Action Claims. If you want to participate in the FLSA Collective Action Claims, you must fill out the enclosed “Participation Form” and then return the completed form by U.S. mail, e-mail, or facsimile to The Tidrick Law Firm. The Tidrick Law Firm’s mailing address, fax number, and e-mail address are listed below. The form must be

signed, dated, and postmarked by [DATE] (if you mail it) or received by The Tidrick Law Firm (if you scan/email it or fax it) on or before [DATE] in order for you to participate in the FLSA Collective Action Claims. If you do not want to participate in the FLSA Collective Action Claims, no further action is required.

State/Local Class Action Claims. In order to participate in the State/Local Class Action Claims, no action is required. Therefore, if you want to participate in the State/Local Class Action Claims, no further action is required. If you do not want to participate in the State/Local Class Action Claims, you must fill out the enclosed “Exclusion Form” and then return the completed form by U.S. mail, e-mail, or facsimile to The Tidrick Law Firm. The Tidrick Law Firm’s mailing address, fax number, and e-mail address are listed below. The form must be signed, dated, and postmarked by [DATE] (if you mail it) or received by The Tidrick Law Firm (if you scan/email it or fax it) on or before [DATE] in order for you to be excluded.

7. No Retaliation Permitted

The law prohibits the City from retaliating against employees for exercising their rights under the FLSA, Wage Order No. 9, California Labor Code, or the SFMWO. Therefore, the City is prohibited from retaliating against you in any manner because you choose to participate in this lawsuit.

8. Your Legal Representation If You Participate

If you participate in this action, you will be represented by the Named Plaintiffs through their attorneys, as counsel for the class, specifically:

THE TIDRICK LAW FIRM
STEVEN G. TIDRICK, SBN 224760
JOEL B. YOUNG, SBN 236662
2039 Shattuck Avenue, Suite 308
Berkeley, California 94704
Phone: 510-788-5100
Fax: 510-291-3226
info@tidricklaw.com

9. Further Information

If you want further information about this Notice or the lawsuit, or have questions about the procedures and deadline described above, please write Plaintiffs’ counsel at the address above, call Erika Valencia of The Tidrick Law Firm at (510) 788-5100, extension 90, or send an e-mail to her at admin@tidricklaw.com

10. Court Authorization

This notice and its contents have been authorized by the Honorable Judge Yvonne Gonzalez Rogers, United States District Court for the Northern District of California. The Court has not yet ruled on the merits of Plaintiffs’ claims or of the City’s defenses.

EXHIBIT C

PARTICIPATION FORM
USE THIS FORM TO PARTICIPATE IN THE FLSA
COLLECTIVE ACTION CLAIMS

Stitt v. The San Francisco Municipal Transportation Agency, C-12-03704-YGR

CONSENT TO BECOME PARTY PLAINTIFF

I am or have been currently or formerly employed by the San Francisco Municipal Transportation Agency and/or the City and County of San Francisco (collectively, “Defendants”) as a bus and/or train operator and I hereby consent to be a party plaintiff to the FLSA Collective Action Claims in the above action against Defendants regarding Defendants’ alleged failure to fully compensate me for all compensable work time. I hereby authorize The Tidrick Law Firm to represent me before any court or agency on such claims.

Date: _____ By: _____

Signature

Print name: _____

Address: _____

City/State/Zip: _____

Email: _____

Phone Number: _____

Badge Number: _____

In order to participate in the FLSA Claims, this form must be signed, dated, and postmarked by [DATE] (if you mail it) or received by The Tidrick Law Firm (if you scan/email it or fax it) on or before [DATE]. The Tidrick Law Firm’s mailing address, fax number, and e-mail address are below.

The Tidrick Law Firm 2039 Shattuck Avenue, Suite 308 Berkeley, CA 94704 510-291-3226 (fax) info@tidricklaw.com
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EXHIBIT D

EXCLUSION FORM
USE THIS FORM TO EXCLUDE YOURSELF (“OPT OUT”)
FROM THE STATE/LOCAL CLASS ACTION CLAIMS

Stitt v. The San Francisco Municipal Transportation Agency, C-12-03704-YGR

USE THIS FORM IF YOU DO NOT WANT TO PARTICIPATE IN THE
STATE/LOCAL CLASS ACTION CLAIMS. THIS IS NOT A CLAIM FORM.

* * *

I wish to be excluded from the State/Local Class Action Claims. I understand that by opting out, I will not be eligible to receive any money that may result from the trial or settlement of the State/Local Class Action Claims in this lawsuit, if there is one.

Date: _____ By: _____

Signature

Print name: _____

Address: _____

City/State/Zip: _____

Email: _____

Phone Number: _____

Badge Number: _____

In order to exclude yourself from the State/Local Class Action Claims, this form must be signed, dated, and postmarked by [DATE] (if you mail it) or received by The Tidrick Law Firm (if you scan/email it or fax it) on or before [DATE]. The Tidrick Law Firm’s mailing address, fax number, and e-mail address are below.

The Tidrick Law Firm 2039 Shattuck Avenue, Suite 308 Berkeley, CA 94704 510-291-3226 (fax info@tidricklaw.com
