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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALLEN MARGULIES, JOHN OLSEN,
CHRISTOPHER DAY, and STEPHEN
FUNG, individually and as class
representatives,

Plaintiffs,

v.

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF
OREGON,

Defendant.

Civil Case Number: 13-cv-00475-PK

Notice of Lawsuit Against Tri-County Metropolitan Transportation District of Oregon

United States District Court for the District of Oregon
A Court authorized this Notice. This is not a solicitation from a lawyer.

TO: All individuals currently or formerly employed by Tri-County Metropolitan Transportation District of Oregon (“Defendant” or “TriMet”) as a bus or train operator at any time on or after January 22, 2010.

DATE: [The date the notice is mailed], 2013

RE: Fair Labor Standards Act (“FLSA”) lawsuit against TriMet seeking compensation for travel time, pre-departure time, continuously late time, medical examination time, and meeting time.

1 **1. Introduction**

2 The purpose of this Notice is to inform you of a collective action against TriMet. The
3 Court has determined that you may be similarly situated to the Named Plaintiffs. Therefore, the
4 Court has ordered that this Notice be sent to you, to explain what the lawsuit is about and how to
5 participate.

6 Please note that the Court has not ruled on the merits of the lawsuit. The Court has only
7 ruled that you should be notified of the existence of the lawsuit so that you can determine whether
8 you wish to join it.

9 **2. Description of the Lawsuit**

10 Plaintiffs Allen Margulies, John Olsen, Christopher Day, and Stephen Fung (the "Named
11 Plaintiffs" or "Plaintiffs") filed this action under the Fair Labor Standards Act ("FLSA") against
12 TriMet. Plaintiffs contend that they are owed unpaid wages under the FLSA. Specifically,
13 Plaintiffs allege that TriMet has a policy and practice of failing to pay bus and train operators at
14 the proper rate of pay for all compensable time, including non-commute start-end travel time,
15 split-shift travel time, pre-departure time, meeting time, medical examination time, and unclaimed
16 time operating buses/trains after the time when the bus/train was scheduled to arrive at the end of
17 a run. Plaintiffs claim that they, and all other individuals employed by TriMet as a bus or train
18 operator at any time on or after January 22, 2010, are entitled to unpaid wages, liquidated
19 damages (equal to the unpaid wages), interest, attorneys' fees, and costs associated with bringing
20 this lawsuit.

21 **3. You May Choose To Join This Lawsuit**

22 If you are currently employed, or formerly were employed, by TriMet as a bus or train
23 operator at any time on or after January 22, 2010, then you may choose to join this suit (that is,
24 you may "opt in"). *In order to opt in, you must sign a "Consent to Join" form and then fax or
25 mail it to Plaintiffs' counsel, The Tidrick Law Firm.* This form is enclosed in the envelope with
26 this Notice. The form is also available from The Tidrick Law Firm. Signed forms should be
faxed or mailed to Plaintiffs' counsel, The Tidrick Law Firm, at:

| |
|--|
| The Tidrick Law Firm 2039 Shattuck Avenue, Suite 308 Berkeley, CA 94704 Attention: Monica Price 510-291-3226 (fax) |
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Forms must be postmarked on or before [(insert date 90 days after mailing of notice)].

1 **4. Effect of Joining This Lawsuit**

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3 If you join this lawsuit, you will be bound by the judgment (that is, the final result of the
4 lawsuit), whether favorable or unfavorable (that is, whether or not the Plaintiffs win their
5 argument that they should be paid money by TriMet). While this suit is proceeding, you may be
6 required to respond to written questions, sit for a deposition, and/or testify in court, in which case
7 Plaintiffs' counsel will assist you.

8 Plaintiffs' attorneys will not charge you directly for their work in this case. If there is no
9 recovery, you will not be required to pay the attorneys for any of their work. If there is a
10 recovery, Plaintiffs' attorneys will receive from TriMet whatever attorneys' fees the Court orders.
11 Those fees may be subtracted from the recovery obtained from TriMet, or they may be paid
12 separately by TriMet, or there may be a combination of the two methods.

13 If you join this lawsuit, you designate the Named Plaintiffs as your agents to make
14 decisions on your behalf concerning the lawsuit. These decisions and agreements made and
15 entered into by the Named Plaintiffs will then be binding on you.

16 **5. Effect of Not Joining This Lawsuit**

17 If you choose not to join this lawsuit, you will not be affected by any judgment in this
18 lawsuit on this FLSA claim, whether favorable or unfavorable. If you choose not to join in this
19 lawsuit, you are free to file your own lawsuit and to select the attorney of your choice.

20 **6. No Retaliation Permitted**

21 Federal law prohibits TriMet from retaliating against you in any way (for example,
22 terminating you, giving you fewer hours, cutting your pay, etc.) because you have exercised your
23 rights under the FLSA (for example, by joining this lawsuit or by providing evidence in support
24 of the Plaintiffs).

25 **7. Your Legal Representation If You Join**

26 If you choose to join this suit, you will be represented by the Named Plaintiffs through
their attorneys, as counsel for the class. Counsel for the class include:

THE LAW OFFICES OF PAUL BREED
PAUL BREED
Yamhill Plaza Building
815 S.W. Second Avenue, Suite 500
Portland, Oregon 97204

THE TIDRICK LAW FIRM
STEVEN G. TIDRICK, SBN 224760

1 JOEL B. YOUNG, SBN 236662
2 2039 Shattuck Avenue, Suite 308
3 Berkeley, California 94704

3 **8. Further Information**

4 If you want further information about this Notice or the lawsuit, or have questions about
5 the procedure or deadline for submitting a "Consent to Join," please write Plaintiffs' counsel at
6 the address above, or call Monica Price of The Tidrick Law Firm at (510) 788-5100 to schedule
7 an appointment.

7 **9. Court Authorization**

8 This Notice and its contents have been authorized by the Honorable Judge Paul Papak,
9 United States District Court for the District of Oregon. The Court has taken no position in this
10 case regarding the merits of Plaintiffs' claims or of Defendant's defenses.
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