

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEIGHTON CHUNG et al.,	:	
	:	
Plaintiffs,	:	
v.	:	3:14-CV-00490
	:	(Judge Mariani)
WYNDHAM VACATION RESORTS, INC.	:	
	:	
Defendant.	:	

ORDER

NOW, THIS 9th DAY OF SEPTEMBER, 2014, upon consideration of Plaintiffs' Motion for Conditional Certification (Doc. 18) and all accompanying briefs, **IT IS HEREBY ORDERED THAT** Plaintiffs' motion is **GRANTED**; to wit:

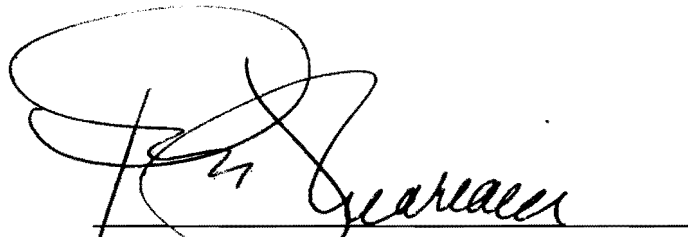
1. This action is conditionally certified, pursuant to Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. § 216(b), on behalf of the following collective: All sales employees (including, inter alia, Sales Representatives)¹ employed by Defendant at the Wyndham Vacation Resorts Shawnee Village ("the Shawnee Facility") during any workweek within the past three years.²
2. Within seven (7) days after the entry of this Order, Defendant shall produce to Plaintiff a spreadsheet (preferably in Excel format) listing the name, last known

¹ The Court defers to the parties to agree upon whether the language may be modified to include only "sales representatives" and to reach a mutual understanding as to which employees are covered by such terminology.

² The Court recognizes that an earlier limitations period may apply to the claims asserted by the originating plaintiffs and other individuals who previously joined this action.

address, and last known phone number of every individual falling within the collective, as defined in paragraph 1 above.

3. Within fourteen (14) days after the entry of this Order, Plaintiff's counsel will mail to all members of the collective the attached "Notice of Collective Action Lawsuit" form, the attached "Consent to Join" form, and a postage-paid return envelope bearing Plaintiff's counsel's address (collectively the "Notice Package").
4. In order to participate in this action as an opt-in party plaintiff, recipients of the Notice Package must complete the "Consent to Join" form and return it in an envelope postmarked on or before the date falling fifty-six (56) days after the entry of this Order.



Robert D. Mariani
United States District Judge

[insert date]

NOTICE OF COLLECTIVE ACTION LAWSUIT

Leighton Chung, et al. v. Wyndham Vacation Resorts, Inc., 3:14-cv-00490-RDM
United States District Court, Middle District of Pennsylvania

TO: [INSERT NAME]

PLEASE READ THIS NOTICE CAREFULLY

INTRODUCTION

This Notice informs you of the existence of a collective action lawsuit seeking unpaid wages under federal law. You have a right to participate in the lawsuit.

DESCRIPTION OF THE LAWSUIT

In March 2014, Leighton Chung (“Plaintiff”) started this lawsuit against Wyndham Vacation Resorts, Inc. (“the Company”). Since that time, [insert number] additional individuals have joined the lawsuit. The lawsuit is proceeding in the United States District Court in Scranton, PA and is assigned to United States District Judge Robert D. Mariani.

The lawsuit alleges that the Company violated federal wage law by failing to pay sales employees at the Wyndham Vacation Resorts Shawnee Village extra overtime pay for hours worked over 40 per week. Plaintiff alleges that the Company accomplished this by requiring sales employees to work “off-the-clock” in two ways: (1) by requiring sales employees to report 40 or less hours each week regardless of the number of hours they actually worked; and/or (ii) failing to credit overtime hours actually reported by sales employees. The lawsuit seeks to recover unpaid overtime wages in addition to liquidated damages, attorney’s fees, and litigation expenses.

The Company denies liability and asserts that its pay practices are legal.

The Federal Court has not yet decided who will win.

RETALIATION PROHIBITED

If you join the lawsuit, federal law prohibits the Company from retaliating against you as a result of your participation.

HOW TO JOIN THE LAWSUIT

You may join the lawsuit by completing the enclosed “Consent to Join” form and returning it in the enclosed envelope to Plaintiff’s lawyers at the following address:

Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025

Your return envelope must be postmarked by [insert date]. If you fail to meet this deadline, you will not be allowed to participate in the lawsuit.

EFFECT OF JOINING THE LAWSUIT

If you join the lawsuit, you will be bound by the judgment of the Federal Court on all issues, including the reasonableness of any settlement. If the Federal Court finds in favor of Plaintiffs, you will receive a money payment. If the Federal Court finds in favor of the Company, you will receive nothing.

EFFECT OF NOT JOINING THE LAWSUIT

If you do not join the lawsuit, you will not be affected by any judgment or settlement resulting from the lawsuit and relating to Plaintiff's federal overtime rights claims.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you join the lawsuit, you will be represented by Winebrake & Santillo, LLC (715 Twining Road, Suite 211, Dresher, PA 19025; Ph: (215) 884-2491; www.winebrakelaw.com), Nichols Kaster, PLLP (4600 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402; Ph: (612) 256-3200, www.nka.com), and Hawks Quindel, S.C. (222 West Washington Avenue, Suite 450, P.O. Box 2155, Madison, WI 53701; Ph: (608) 257-0040, www.hq-law.com).

You will not be required to pay any fees to the above law firm. The firm has taken this case on a "contingency" basis. If the lawsuit is unsuccessful, the firm will receive nothing. If the lawsuit results in a recovery, the firm will ask the Federal Court to award legal fees separate and apart from your recovery.

Please call the above law firm if you have any questions or desire any additional information about the lawsuit.

THIS NOTICE HAS BEEN AUTHORIZED BY UNITED STATES DISTRICT JUDGE ROBERT D. MARIANI. THE JUDGE HAS TAKEN NO POSITION REGARDING THE LAWSUIT'S MERITS.

