

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ZACH WESTBROOK,

Plaintiff,

VS.

ADVANCED SOLIDS CONTROL, LLC,

Defendant.

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CIVIL ACTION NO. 2:14-CV-131

ORDER ON CONDITIONAL CERTIFICATION

The Court GRANTS Westbrook’s Motion for Conditional Certification (D.E. 10). The parties' proposed notice and consent form (attached as Exhibit A) are approved. The following deadlines will control the notice and opt-in process:

1. January 16, 2015: Deadline for Defendant to provide to Plaintiff a list of centrifuge technicians (with last known addresses, email addresses, and phone numbers) who provided centrifuge services at any time during the past three years.
2. January 30, 2015: Deadline to send Notice of Collective Action and Notice of Consent form to class members.
3. March 31, 2015: Deadline for putative class members to return consent forms to opt-in to lawsuit.

ORDERED this 5th day of January, 2015.



 NELVA GONZALES RAMOS
 UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
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CIVIL ACTION NO. 2:14-CV-131

NOTICE OF COLLECTIVE ACTION

**PLEASE READ THIS NOTICE CAREFULLY
YOUR LEGAL RIGHTS MAY BE AFFECTED**

TO: All persons who worked for Advanced Solids Control, LLC (Advanced) as a Centrifuge Technician, Solids Control Technician, or “Sit Hand” at any time during the three years preceding the date of this Notice.

DATE: January 30, 2015.

RE: Lawsuit Filed Against Advanced Solids Control, LLC Claiming Unpaid Overtime.

1. Why am I receiving this notice?

You are receiving this notice because you worked as a Centrifuge Technician, Solids Control Technician, or “Sit Hand” for Advanced. A lawsuit has been filed against Advanced alleging you and other Centrifuge Technicians, Solids Control Technicians, or “Sit Hands” are entitled to additional wages under the Fair Labor Standards Act (FLSA).

2. What is this lawsuit about?

Plaintiff Zach Westbrook (Plaintiff) alleges he and all other similarly situated Centrifuge Technicians, Solids Control Technicians, or “Sit Hands” are entitled to receive additional wages from Advanced under federal law because they were treated as independent contractors, paid on a day rate, and not paid overtime for hours worked in excess of forty per week.

Advanced believes the Centrifuge Technicians, Solids Control Technicians or “Sit Hands” were properly treated as independent contractors (not employees of Advanced), properly paid in accordance with applicable laws and therefore, not entitled to or eligible for overtime pay under the FLSA.

Exhibit A

3. What are my options?

If you want to join this litigation and claim overtime wages, you must mail the attached Notice of Consent to the Clerk of the Court at the address listed on the bottom of the Notice of Consent form. If you want to join this litigation, your **Notice of Consent must be postmarked by March 31, 2015.**

If you timely mail a Notice of Consent to the Clerk of the Court, you will become part of this case as a Participating Plaintiff. If you do not indicate otherwise on your Notice of Consent, you will be represented by Plaintiff's Counsel. You may be bound by the same fee and cost agreements as the present Plaintiff represented by Plaintiff's Counsel. The Court has discretion to assess fees and costs among the Participating Plaintiffs, and in the event Advanced prevails, you could be partially responsible for payment of court costs. You may also obtain counsel of your own choosing and at your own expense. If you decide to obtain your own counsel, you must indicate this on the Notice of Consent.

If you decide to become a party plaintiff in this case, you may be required to participate in the litigation, which could include providing sworn testimony in a deposition, answering interrogatories under oath, or testifying at trial of the case in Corpus Christi, Texas. If you join this lawsuit, you may receive money from Advanced through a verdict or settlement. On the other hand, if Plaintiff loses this lawsuit, you will receive nothing.

If you do not want to make a claim against Advanced for overtime wages, simply do nothing. If you do nothing, you will not receive any money from this case, even if the Plaintiffs win.

4. How can I get more information

You can get more information by calling Plaintiff's counsel or any attorney of your choosing. Plaintiff's counsel is:

Richard J. (Rex) Burch
Bruckner Burch PLLC
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
Telephone: 713-877-8788
Facsimile: 713-877-8065
Email: rburch@brucknerburch.com
Email: frontdesk@brucknerburch.com
Toll Free: 800-443-2441

This Notice and its contents have been authorized by United States District Court Judge Nelva Ramos. The District Court has not yet taken any position in this case regarding the merits of Plaintiff's claims or the defenses asserted by Advanced.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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ZACH WESTBROOK, §
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Plaintiff, §
VS. § CIVIL ACTION NO. 2:14-CV-131
§
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§
Defendant. §

Collective Action Notice of Consent

I consent to be a party making a claim in a wage-and-hour case against Advanced Solids Control, LLC. I agree to be represented by Bruckner Burch PLLC under the agreement with the Plaintiff.

Signature: _____

Full Legal Name: _____

Date: _____

Street Address: _____

Cell Phone: _____

City, State, Zip Code: _____

E-Mail Address: _____

Telephone: _____

Emergency Contact: _____
(Name and Telephone)

Return by mail to: Bruckner Burch PLLC
Attn: Richard J. (Rex) Burch
8 Greenway Plaza, Suite 1500
Houston, Texas 77046

Return by email to: frontdesk@brucknerburch.com
Return by facsimile to: (713) 877-8065