

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

RALPH TALARICO, INDIVIDUALLY AND,	}	
ON BEHALF OF ALL OTHERS SIMILARLY	}	
SITUATED,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	Civil Action No. 17-2165
	}	
PUBLIC PARTNERSHIPS, LLC, D/B/A PCG	}	
PUBLIC PARTNERSHIPS.	}	
	}	
Defendant.	}	

AMENDED ORDER

AND NOW, this 4th day of September, 2018, upon consideration of Plaintiff’s Motion for Conditional Certification (Docket No. 47) and Memorandum of Law in support, as well as Defendant’s response thereto and plaintiff’s reply, it is hereby **ORDERED** as follows:

1. This case is conditionally certified as a collective action pursuant to 29 U.S.C. § 216(b).
2. Cohen Milstein Sellers & Toll, PLLC, Arnold, Beyer & Katz and Nichols Kaster, PLLP are approved to serve as class counsel in this matter.
3. A revised Notice of Collective Action Lawsuit and Consent to Joint Collective Action agreed to by the parties (Docket 64-1) are each **APPROVED** in the form attached hereto as Exhibit A, to be issued to the putative collective members consistent with this Order and the dates set forth in paragraph 5 herein.
4. For items 1 through 6 herein, on or before September 5, 2018, Defendant shall provide Plaintiff’s counsel with an electronic list of all direct care workers who worked over forty (40) hours in a week at any time since September 14, 2015, including their (1)

- name; (2) current or last known mailing address; (3) current or last known e-mail address; (4) current or last known telephone number; (5) dates employment began; (6) employee identification number, if any; and (7) last four digits of their social security number – Defendant shall have until September 10th to produce information responsive to item number 7.
5. There shall be a sixty day opt-in period.
 6. Plaintiff's counsel shall mail and e-mail the Notice of Collective Action Lawsuit and Consent to Joint Collective Action to all eligible putative collective members.
 7. The opt-in period shall commence from the date notices are mailed and e-mailed.
 8. Should notices be returned undeliverable or should current addresses not be available for any putative collective members, Plaintiff's counsel may conduct skip-tracing to update addresses for undeliverable or unavailable addresses.
 9. Plaintiff's counsel may send a reminder notice by mail to putative collective members who have not opted into this action thirty days before the close of the opt-in period.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.

EXHIBIT A

TO SEE AN ELECTRONIC VERSION OF THIS NOTICE AND THE ATTACHED CONSENT FORM, PLEASE GO TO: BIT.LY/#####

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

As a current or former Direct Care Worker paid through Public Partnerships, LLC as part of the Pennsylvania Medicaid Home and Community-Based Services waiver program, you may be affected by a collective action lawsuit.

A court authorized this notice. This is not a solicitation from a lawyer.

NOTICE OF COLLECTIVE ACTION LAWSUIT

The purpose of this notice is to (1) inform you of a collective action lawsuit filed against Public Partnerships, LLC, (referred to as the “Defendant”) for the alleged failure to pay overtime to certain Direct Care Workers, (2) advise you of how your rights may be affected by this lawsuit, and (3) instruct you on the procedure for participating in this lawsuit, if you choose to do so.

You have been identified as a Direct Care Worker in the Medicaid Home and Community-Based Services waiver program administered by the Pennsylvania Department of Human Services Office of Long Term Living (the “Program”). Plaintiff alleges that Defendant was a joint employer of the Direct Care Workers and failed to pay them overtime wages under the Fair Labor Standards Act. Plaintiff also alleges that any retroactive overtime pay provided by Defendant was insufficient. Defendant denies that it is the employer of any Direct Care Worker, and states that it instead was the fiscal agent of participant-employers in the Program. Defendant also denies that it is liable for overtime pay and contends that Direct Care Workers have been properly paid.

The Court has authorized this notice to be sent to all Direct Care Workers who worked over 40 hours in any work week since September 14, 2015, and who provided services to a participant who used Public Partnerships as a fiscal agent in Pennsylvania. You are receiving this notice because records show you may be eligible to join the case. **Please follow the instructions below if you would like to join the case.**

There is no assurance that the Court will grant any relief in this case. There is no money available now and no guarantee there ever will be. The Court has not decided the merits of this case and therefore has not decided whether the Plaintiff or Defendant is correct.

YOUR RIGHTS AND OBLIGATIONS

If you were a Direct Care Worker for a participant who used Defendant as a fiscal agent in Pennsylvania at any time since September 14, 2015, and you worked overtime during that time, you are eligible to participate in the lawsuit. **You may seek to join the lawsuit by mailing, emailing, or faxing the enclosed Plaintiff Consent Form to:**

[insert PO Box address]
Telephone: 202-408-4600
Fax: 202-408-4699
Email: PADirectCareWorkers@cohenmilstein.com

You may also seek to join the case by signing an electronic consent form, available at [insert link]. The Consent Form must be postmarked (if mailed) or electronically dated (if emailed, faxed, or signed electronically) on or before **[date]** in order for you to participate. If you do not return the Plaintiff Consent Form in time, you may not be able to participate and you may lose your right to any compensation obtained in this case. Plaintiff's counsel will file these consent forms with the Court, and the filing date is the date you are deemed to have joined the case.

If you choose to join this case by filing a Consent Form, you will be designating Plaintiff's counsel to represent your interests and will be bound by the terms of any judgment entered, whether favorable or unfavorable to you. You may choose not to take any action and then will not participate in any judgment or settlement in this matter; if you want to bring a separate case, you may retain counsel at your own expense. If you do not wish to be part of this lawsuit, you do not need to do anything. The decision to join is entirely yours.

NO RETALIATION PERMITTED

The law prohibits retaliation against individuals for exercising their rights to participate in a lawsuit of this nature. Defendant is prohibited from retaliating against anyone for participation in this lawsuit.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA. THE COURT TAKES NO POSITION ON THE MERITS OF PLAINTIFF'S CLAIMS.

Dated: _____

Honorable Jeffrey L. Schmehl
United States District Court Judge

CONSENT TO JOINT COLLECTIVE ACTION
Pursuant to the Fair Labor Standards Act
29 U.S.C. § 216(b)

1. I am over the age of eighteen and competent to give my consent in this matter.
2. I consent and agree to pursue my Fair Labor Standards Act litigation against Public Partnerships LLC as a joint employer, arising out of claims of unpaid overtime wages. As a Plaintiff in this action, I agree to be bound by any judgment of the Court or any settlement of this action.
3. During the past three years, while working as a Direct Care Worker in the Medicaid Home and Community-Based Services waiver program and paid through Public Partnerships LLC, there were occasions when I worked more than forty hours per week.
4. I choose to be represented by Cohen Milstein Sellers & Toll PLLC, Nichols Kaster, PLLP, and Arnold, Beyer, and Katz Law Firm for all purposes in this action and authorize them to take any steps necessary to pursue my claims, including filing a new lawsuit.
5. I understand that I may withdraw this consent at any time by notifying the above-listed attorneys in writing.

Date: _____
Signature

Print Name

Information Below Will Be Redacted in Filings with the Court. Please Print or Type.

Address: _____

City, State Zip: _____

Best Phone Number(s): _____

Email: _____

**Return this form by
fax, email, mail, or
electronically to:**

**Cohen Milstein Sellers & Toll, PLLC, Attn: Miriam R. Nemeth
1100 New York Avenue, NW, Suite 500, Washington, DC 20005
Fax: 202-408-4966
Email: PADirectCareWorkers@cohenmilstein.com
Electronic: [\[link\]](#)**

Forms must be sent by: [\[Date\]](#)