

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>JONATHAN BELANGER et al.,</b>	)	
	)	
<b>Plaintiffs</b>	)	
	)	
<b>v.</b>	)	<b>No. 2:24-cv-00103-JAW</b>
	)	
<b>OCEAN STATE JOBBERS INC.,</b>	)	
	)	
<b>Defendant</b>	)	

**ORDER ENTERING STIPULATION  
RESOLVING NOTICE-RELATED DISPUTES**

Pursuant to the Court’s order (ECF No. 48) granting conditional certification but deferring ruling on Plaintiffs’ motion for approval of their proposed notice and consent forms and for authorization to distribute them, the parties have filed a Stipulation (ECF No. 74) resolving all notice-related procedures. The Court grants entry of this Stipulation as the Court’s Order, approving the attached notice forms and the following processes:

1. Subject to Ocean State’s counsel’s approval as to the entity engaged (which approval shall not be unreasonably withheld), Plaintiffs’ counsel shall select and engage a reputable and experienced administrator for the purpose of administration of the Court-approved notice of collective action (“Notice Administrator”).
2. Ocean State shall have equal access in all respects to the Notice Administrator, except as to inquiries made to the Notice Administrator by any notice recipients that relate to information designated by a notice

recipient as to involve or to be submitted to Plaintiffs' attorneys' use, and the Notice Administrator otherwise shall promptly respond to all other questions by Ocean State's counsel regarding the administration process. There otherwise shall be no *ex parte* communications with the Notice Administrator by Ocean State (unless agreed to by Plaintiffs' counsel), and Plaintiffs' counsel shall be copied on communications between the Notice Administrator and Ocean State's counsel, and Ocean State's counsel shall be copied on communications between the Notice Administrator and Plaintiffs' counsel. The Notice Administrator shall update the notice list addresses through the USPS National Change of Address program before distribution.

3. Ocean State shall provide an electronic spreadsheet ("Notice List") to Plaintiffs' counsel within fourteen days of the later of (i) the date that the Court enters an order on both the content and distribution process for the Court-approved Notice of Collective Action and Consent to Join Form (collectively, "Court-Approved Notice") and (ii) the date that Plaintiffs' counsel confirms in writing to Ocean State's counsel the name and contact information of the Notice Administrator. The Notice List shall contain the following information for each separately listed member of the collective that has been conditionally certified by the Court ("Conditionally Certified Collective"): name, current or last known mailing address, current or last known personal e-mail address,

positions worked during the relevant time period, and dates of employment in each position. Any information provided by Ocean State's counsel to effectuate the purpose of, and process/schedule in, this Stipulation, including but not limited to the information set forth in this paragraph, shall be used solely for purposes of facilitating Court-approved notice in this action and shall not be used or disclosed for any other purpose without Ocean State's counsel's express written consent. Plaintiffs' counsel shall not initiate any communications with any individual on the Notice List prior to the expiration of the opt-in period and shall not provide the Notice List (or the information contained in the Notice List) to Named Plaintiffs and/or any opt-in Plaintiffs until the expiration of the opt-in period. Within seven (7) days of the end of the litigation, *i.e.*, settlement of this matter and/or entry of final judgment and the completion of any appeals, Plaintiffs' Counsel shall confirm to Ocean State's counsel that the Notice List, and any copies made or retained of the Notice List (hard copy or electronic), have been permanently destroyed.

4. Within fourteen days of receipt of the Notice List, the Notice Administrator shall distribute the Court-Approved Notice by regular mail, email, and text message to each member of the Conditionally Certified Collective ("Initial Mailing"). Individuals who filed opt-in consents prior to the distribution date need not re-file their Consents. Notices shall

provide direct hyperlinking allowing for online electronic signing of the Consent form. The Notice Administrator shall advise counsel for the Parties of the date(s) of the Initial Mailing.

- a. Mailing: The Notice Administrator shall mail via First Class mail the Court-Approved Notice, with an enclosed postage pre-paid return envelope. The mailed Notice shall bear a QR code next to the URL providing a direct link for electronically signing the Consent online. The outside of the mailed envelope shall bear the notation “**Notice of Lawsuit Alleging Unpaid Overtime: Belanger v. Ocean State Jobbers, Inc., No. 2:24-cv-00339-JAW.**”
  - b. Email: The Notice Administrator shall distribute an email, the body of such e-mail shall consist solely of the language of the Court-Approved Notice, and the subject line of such e-mail shall be “Notice of Lawsuit Alleging Unpaid Overtime: *Belanger v. Ocean State Jobbers*, No. 2:24-cv-00339-JAW (D. Maine) -- Deadline to Join.”
  - c. Text: The Notice Administrator shall distribute by text message the short form text Notice attached as Ex. A.
5. The Notice Administrator shall distribute the same Court-Approved Notice by the same method(s) as set forth in this Stipulation during the period between thirty and thirty-five days after the Initial Mailing to any individuals on the Notice List who have not submitted a Consent by that time (“Reminder Notice”), except that any such Reminder Notices

- shall add the following introductory statement: “You should have already received a copy of this notice by mail/e-mail and have not submitted a Consent to join this case.” Within five days of the distribution of the Reminder Notice(s), the Notice Administrator shall advise counsel for the Parties of the number of individuals who were sent a Reminder Notice and the date that such Reminder Notice(s) was or were sent.
6. The Notice Administrator shall maintain a website bearing the Court-Approved Notice on the website’s home page, including a hyperlink to a page allowing electronic signature of the Consent form directly online to the Notice Administrator. The name of the website shall be agreed upon by the Parties before the Notice Administrator makes the website publicly available.
  7. Promptly upon receiving notification of undeliverable notices, the Notice Administrator shall perform skip tracing and distribute the Court-Approved Notice to the updated contact information for the notice method that prompted the undeliverable notification. Within five days of the distribution of the Court-Approved Notice pursuant to this paragraph, the Notice Administrator shall advise counsel for the Parties of the number of individuals who were sent such notice and the date that such notice was sent. The Notice Administrator shall offer telephone and email support, promptly comply with a notice list individual’s request

for re-distribution, promptly resolve issues with receiving notice or submitting a Consent, and promptly forward submitted Consents, information and inquiries to Plaintiffs' counsel.

**SO ORDERED.**

Dated: March 25, 2026

/s/ Karen Frink Wolf  
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

JONATHAN BELANGER, GARRETT	)	
DAVIS, and ERIK MACINTYRE,	)	
Individually and on Behalf of All Other	)	
Persons Similarly Situated,	)	<b>Jury Trial Demanded</b>
	)	
Plaintiffs,	)	Civil Action No. 2:24-cv-00103-NT
	)	
v.	)	
	)	
OCEAN STATE JOBBERS INC.,	)	
	)	
Defendant.	)	

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

**If you are or were employed by Defendant Ocean State Jobbers Inc. as an Area Team Leader (“ATL”) at any time from March 28, 2021, to the date of this Notice, please read this Notice.**

*A federal court approved the sending of this notice. This is not a solicitation from a lawyer.*

Re: Alleged Unpaid Overtime Due to Misclassification

- Plaintiffs Jonathan Belanger, Garrett Davis, and Erik Macintyre have filed a lawsuit claiming that Ocean State improperly classified them and all other ATLs as exempt from the overtime pay requirements of the Fair Labor Standards Act (“FLSA”), resulting in failure to properly compensate them for all of the overtime compensation they claim they should have received. The lawsuit seeks payment of unpaid wages and an additional amount for liquidated damages.
- Ocean State strongly denies the allegations and disputes that it owes overtime to Plaintiffs and any ATL and affirmatively states that all ATLs have been properly classified and paid as managers in compliance with applicable law.
- This notice is being sent to current and former ATLs who worked for Defendant between three years from March 28, 2021, and the present. The Court has not yet decided who is right and who is wrong and has not taken any position regarding the merits of the Plaintiffs’ claims or Ocean State’s defenses.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT**

**ASK TO BE INCLUDED**

If you choose to join this lawsuit, you must follow the instructions on the Consent to Join form at the end of this Notice and return it in a timely manner. By doing so you may be entitled to share in any money or benefits from a trial or a settlement. You also will be bound by any ruling, judgment, or settlement, whether favorable or unfavorable. If you choose to join, there is a possibility that you may be asked to be a witness or to provide documents or other evidence in this case, although not all individuals who opt-in will be required to do so.

If you wish to join this lawsuit, you must complete and return the Consent to Join form at the end of this Notice and submit it no later than [a date 60 days from notice], to [the notice administrator].

**You may sign and submit the Consent to Join Form in the following ways:**

- (1) You can electronically complete and return the “Consent to Join” form online, which can be accessed at [URL LINK TO E-SIGN], and submitted no later than [DATE], or
- (2) You can complete and return the form included with this Notice by mailing it in the enclosed addressed, postage paid envelope so that it is postmarked no later than [DATE], or
- (3) You can scan this QR code which will take you to the case’s website and you can sign and return the “Consent to Join” form online ensuring it is submitted no later than [DATE], or  
  
[code to be inserted by notice administrator]
- (4) You can complete and return the enclosed form by fax to [FAX], or email it to [EMAIL] so that the notice administrator receives it no later than [DATE].

**DO NOTHING**

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this lawsuit, whether favorable or unfavorable to the opt-in plaintiffs. If you do not join, the statute of limitations on your FLSA claim will continue to run and you may lose some or all of your rights if you do not file your own claim.

## **I. Why Did I Get This Notice and What Is the Lawsuit About?**

Records show that you currently or previously have worked for Ocean State as an ATL classified as exempt during the applicable stated period of time.

The lawsuit is titled *Belanger, et al. v. Ocean State Jobbers Inc.*, Civil Action No. 2:24-cv-00103-JAW, and is filed in federal court in the District of Maine. In it, Plaintiffs Jonathan Belanger, Garrett Davis, and Erik Macintyre, claim that Ocean State failed to pay them and other similarly situated ATLs overtime pay as required by law because Defendant misclassified them as managers exempt from overtime. Specifically, the Named Plaintiffs allege that their primary duties were not managerial and did not differ substantially from those performed by hourly associates, including, among other tasks, tasks such as manual labor, unloading the delivery truck, stocking shelves, manning the cash register, and dealing with trash. Ocean State maintains that its classification of ATLs as exempt was correct because they performed duties that were managerial in nature and, therefore, Ocean State denies the Named Plaintiffs' claims.

## **II. What is a collective action, and who is involved?**

In a collective action lawsuit, one or more people sue on behalf of themselves and other people who they claim are similarly situated to them. The Named Plaintiffs who sued – and any individuals who complete and return the attached Consent Form – are called the Plaintiffs. One Court resolves the issues for everyone who joins the case.

The Named Plaintiffs who filed this lawsuit allege there is a group of “similarly situated” current and former ATLs who worked for Ocean State.

## **III. What is Defendant's position, and has the Court decided who is right?**

Ocean State strongly denies any wrongdoing or liability and strongly denies that Plaintiff ATLs were improperly classified as exempt managers. Ocean State further states that Plaintiff ATLs were paid all wages owed to them and that ATLs were paid in compliance with the FLSA.

The Court has not decided whether Ocean State or the Named Plaintiffs is correct. By authorizing this notice, the Court is not suggesting that the Named Plaintiffs will win or lose the case.

## **IV. What are the Named Plaintiffs asking for?**

The Named Plaintiffs are seeking to recover any alleged unpaid overtime wages, or, in other words, back pay in the amount of time-and-a-half the ATL's regular rate for all hours worked over 40 in a workweek during the relevant period. The Named Plaintiffs also seek “liquidated damages” in an amount equal to any alleged unpaid wages they may recover against Ocean State, as well as recovery of costs and attorney's fees.

Ocean State denies both this calculation of damages and liability for any damages.

## V. What happens if I join the lawsuit?

By joining this lawsuit, you designate the Named Plaintiffs as your representatives, and to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering into an agreement with Plaintiffs' counsel regarding payment of attorney's fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. If you choose to join this lawsuit, you must follow the instructions on the Consent to Join form at the end of this Notice, and complete and return the Consent to Join form in a timely manner. If you choose to join, you may be entitled to share in any money or benefits from a trial or a settlement of the federal wage and hour claim. You also will be bound by any ruling, judgment, or settlement, whether favorable or unfavorable. If you choose to join this lawsuit, there is a possibility that you may be asked to be a witness or to provide documents or other evidence in this case, although not all individuals who opt-in will be required to do so.

## VI. No Retaliation Permitted

Federal law prohibits Ocean State from firing or in any other manner discriminating against you because you have joined this lawsuit.

## VII. What happens if I do nothing at all?

By doing nothing and choosing not to join the lawsuit against Ocean State, you will not be directly affected by any ruling, judgment or settlement rendered on the FLSA claim asserted in this case, whether favorable or unfavorable. You should be aware that FLSA claims are limited to a two- or three-year statute of limitations, and delay in joining this case, or proceeding separately, may result in some or all of your claims expiring as a matter of law.

## VIII. How do I ask to be included in this case?

Enclosed is a "Consent to Join" form. If you want to participate in this lawsuit, it is extremely important that you read, sign, and promptly return the Consent to Join form. There are several ways to return it:

- (1) You may electronically sign and submit it online at [URL LINK TO E-SIGN] by [60 days from date of mailing];
- (2) You can fax it to the below fax number or email it to the below email address by [60 days from date of mailing]; or,
- (3) You can scan this QR code which will take you to the case's website and you can sign and return the "Consent to Join" form online ensuring it is submitted no later than [DATE],

[QR CODE]

- (4) You can mail it back in the enclosed addressed prepaid envelope, or in another envelope, so that it is postmarked by [60 days from date of mailing] to the following:

[TPA mailing address]

[TPA fax number]

[TPA email address]

[TPA phone number]

Should you lose or misplace the enclosed Consent to Join form, please contact [TPA] at 1-XXX-XXX-XXXX. If you have questions, you may contact the Plaintiff’s lawyers listed below.

The signed Consent to Join form must be received by the Notice Administrator or postmarked by \_\_\_\_\_. **If your signed Consent to Join form is not received by the Notice Administrator or postmarked by \_\_\_\_\_, you may be prohibited from participating in this case.**

**IX. Do I have a lawyer in this case, and how will the lawyers be paid?**

If you join this lawsuit, you have the option to be represented by the Plaintiffs’ lawyers listed below.

<p>Seth A. Lesser  Christopher Timmel  Jessica Rado  KLAFTER LESSER LLP  Two International Drive, Suite 350  Rye Brook, NY 10573  Telephone: (914) 934-9200  <a href="https://klafterlesser.com">https://klafterlesser.com</a></p>	<p>Marc S. Hepworth  Charles Gershbaum  David A. Roth  Rebecca S. Predovan  HEPWORTH GERSHBAUM &amp; ROTH, PLLC  192 Lexington Avenue, Suite 802  New York, NY 10016  Telephone: (212) 545-1199  <a href="https://www.hgrlawyers.com">https://www.hgrlawyers.com</a></p>
<p>Richard L. O’Meara  MURRAY PLUMB &amp; MURRAY  75 Pearl Street  P.O. Box 9785  Portland, ME 04104  Telephone: (207) 773-5651  <a href="https://mpmlaw.com">https://mpmlaw.com</a></p>	<p>Sam J. Smith  Loren B. Donnell  BURR &amp; SMITH LLP  9800 4th Street North  St. Petersburg, FL 33702  Tel: (813) 253-2010  <a href="http://www.burrandsmithlaw.com">http://www.burrandsmithlaw.com</a></p>

However, you may also instead hire, at your own expense, another attorney of your choosing to represent you in this lawsuit, or represent yourself (without the assistance of a lawyer). If you intend to retain your own lawyer or represent yourself, you should indicate that on the Consent to Join form.

The Named Plaintiffs have entered into contingency fee agreements with Plaintiffs’ counsel, which means that if the Named Plaintiffs do not win, there will be no attorney’s fee chargeable to them or anyone who joins the lawsuit. Under the fee agreement, in the event there is a recovery, Plaintiffs’ counsel will be entitled to apply to the Court to receive a percentage of any settlement obtained or money judgment entered in favor of all opt-in plaintiffs. The fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by Defendant, or may be a combination of the two. A copy of the contingency fee agreement executed by the Named Plaintiffs may be obtained upon request from Plaintiffs’ attorneys identified above.

Ocean State is being represented in this lawsuit by the law firm of Cozen O’Connor, 3 World Trade Center, 175 Greenwich Street – 55<sup>th</sup> Floor, New York, New York 10007, and the law firm of Eaton Peabody, 100 Middle Street, Portland, Maine 04112.

**PLEASE DO NOT CONTACT DEFENDANT’S COUNSEL.**

**X. Are more details available?**

If you have any questions or require additional information, please contact any of the Plaintiffs' attorneys listed above.

**XI. Please keep your address current.**

To maintain accurate lists of opt-in plaintiffs, you are requested to send notice of any changes in your address to the Plaintiffs' attorneys listed above. If the Notice was forwarded to you by the postal service, or if it was otherwise sent to you at an address that is not current, you should immediately contact the Plaintiffs' attorneys listed above and provide them with your current address.

**PLEASE DO NOT CONTACT THE COURT OR COURT CLERK REGARDING THIS MATTER.**

**CONSENT TO JOIN COLLECTIVE ACTION  
UNDER THE FAIR LABOR STANDARDS ACT, 29 U.S.C. § 216(b).**

By signing and returning this consent form I consent to:

1. Be a party plaintiff in a lawsuit against Ocean State Jobbers Inc. (“Ocean State”) in order to seek damages from Ocean State for alleged violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. Designate the Named Plaintiffs as my agent(s) to make decisions on my behalf concerning this overtime case against Ocean State that I am joining, including conducting this litigation, settlement negotiations, and all other matters pertaining to all claims against Ocean State. I understand that if I file this Consent, I will be bound by the decisions made and agreements entered by the Named Plaintiffs and the Plaintiff’s attorneys, who, in this case are Klafter Lesser LLP; Hepworth Gershbaum & Roth, PLLC, Murray Plumb and Murray, and Burr & Smith LLP (“Plaintiff’s attorneys”), and I may be asked to be a witness or to provide documents or other evidence in this case, although not all individuals who opt-in will be required to do so.

3. I understand that the Named Plaintiffs have entered into a contingency fee agreement with Plaintiffs’ attorneys which applies to all individuals who file this consent if they choose to also be represented by Plaintiffs’ attorneys. By filing this consent I agree to be bound by such contingency fee agreement if I choose to also be represented by Plaintiffs’ attorneys. I understand that I may obtain a complete copy of the contingency fee agreement by requesting it from Plaintiffs’ attorneys.

4. I acknowledge that I will be bound by any judgment or any settlement reached between the Named Plaintiffs and Defendant.

5. If you do not wish to designate and engage the attorneys identified in paragraph 2 above as your attorneys and wish to hire at your own expense another attorney to represent and appear for you, or wish to represent yourself, check this box: .

\_\_\_\_\_  
Full Legal Name (please PRINT clearly)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***All information you provide below is for use by the lawyers in this case, and will not be filed with the Court***

\_\_\_\_\_  
Street Address (with apartment number, if applicable)

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Home Phone Number

\_\_\_\_\_  
Cell Phone Number

\_\_\_\_\_  
Personal Email Address (we will use this as our primary method to contact you)

\_\_\_\_\_  
Emergency Contact Name  
(in case we lose contact with you)

\_\_\_\_\_  
Emergency Contact Phone Number

If you have received a paper form of this notice and wish to electronically sign the Opt-In Consent form, do so in accordance with the options provided in the notice.

# EXHIBIT A

THIS IS A COURT AUTHORIZED NOTICE. The Maine federal court ordered the Administrator to send this text regarding your right to join a pending collective action. The case alleges salary-paid Area Team Leaders were improperly not paid overtime pay for overtime worked under federal law. Records show you worked in one of those positions within the time period. Deadline to act is [60 days from notice]. Please review the Notice [HERE](#) [hyperlink to Notice landing page], and if you decide to join click [HERE](#) [hyperlink to Consent e-signature form]. Reply STOP to prevent further updates or communication via text.