

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

SEAN WOLTERS, an individual, on
behalf of himself and all others
similarly situated,

Plaintiffs,

vs.

BILL'S HEATING AIR APPLIANCE
REPAIR, LLC, an Idaho Limited
Liability Company,

Defendant.

Case No. 2:20-cv-504-BLW

AMENDED ORDER PROVIDING
FOR NOTICE TO POTENTIAL
CLASS MEMBERS

IT IS HEREBY ORDERED that upon Plaintiffs acquiring from Defendant the identity and last known contact information for the conditionally certified collective class members, the parties will promptly provide written Notice to the putative members of the collective class as provided for in the attached Notice.



DATED: April 26, 2022

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge

LEGAL NOTICE TO ALL PERSONS WHO ARE CURRENTLY EMPLOYED, OR WERE PREVIOUSLY EMPLOYED, AS NON-EXEMPT WORKERS OF BILL'S HEATING AIR APPLIANCE REPAIR, LLC, AT ANY TIME FROM OCTOBER 29, 2017 THROUGH THE DATE OF THIS OFFICIAL COURT NOTICE.

A lawsuit has been filed in the United States District Court for the District of Idaho by Sean Wolthers, an individual, on behalf of himself and all others similarly situated, the Plaintiffs, against Bill's Heating Air Appliance Repair, LLC ("Bill's Heating"), the Defendant, case number 2:20-cv-00504-BLW.

The named-Plaintiff employee Sean Wolthers claims that he was not paid for all hours worked for Defendant employer Bill's Heating, including but not limited to failure to pay for straight time worked, and failure to pay for overtime hours of at least one and one-half times the regular rate of pay for any hours worked in excess of forty (40) hours in a week, and he is suing to recover these wages under the Fair Labor Standards Act (FLSA) 29 U.S.C.A. §§ 207 and 216(b), for himself and all others similarly situated.

On April 9, 2021, this Court conditionally certified this case as a FLSA collective class action. The collective class that has been conditionally certified is as follows:

All current and former non-exempt employees of Defendant Bill's Heating, who had thirty (30) minutes of work deducted from their pay by Defendant Bill's Heating for each six (6) hour work period despite not receiving bona fide meal periods, and were thereby not paid for all hours worked for Defendant Bill's Heating, including but not limited to failure to pay for straight time worked, and failure to pay for overtime hours of at least one and one-half times the regular rate of pay for any hours worked in excess of forty (40) hours in a week.

If you are, or were employed as a non-exempt employee during the period of October 29, 2017, through the date of this Court Notice, and you believe that you worked and had thirty (30) minutes of work deducted from your pay by Defendant Bill's Heating for each six (6) hour work period despite not receiving bona fide meal periods, and were thereby not paid for all hours worked by Defendant Bill's Heating, then you may make a claim to recover these wages in this case.

The Plaintiff employee who has brought this case in court is represented by:

Kammi Mencke Smith
Scott Gingras
Winston & Cashatt, Lawyers
250 Northwest Boulevard, Suite 206
Coeur d'Alene, Idaho 83814
(208) 667-2103 or (509) 838-6131
classaction@winstoncashatt.com

The Defendant employer Bill's Heating is represented by:

Jonathon D. Hallin
Lukins & Annis, P.S.
601 E. Front Ave., Suite 303
Coeur d'Alene, Idaho 83814
(208) 666-4102

IF YOU WISH TO MAKE A CLAIM in this case for not being paid for all of the hours that you worked for Bill's Heating, you must sign the form titled "Notice of Consent" (attached hereto) and mail it to Winston & Cashatt, Lawyers, at the contact information stated herein, and as provided on the enclosed return envelope. In order for your claim to be considered, your signed Notice of Consent form must be placed in the mail **no later than August 31, 2022.**

You do not have to file the consent form with the court or to take any action unless you want to; it is completely voluntary. **HOWEVER, BE ADVISED THAT IF YOU DO NOT SIGN THE CONSENT FORM AND TIMELY FILE IT WITH THE CLERK, YOU WILL NOT BE A COLLECTIVE CLASS MEMBER, AND YOU WILL NOT BE ALLOWED TO RECOVER ANY COMPENSATION FOR UNPAID WAGES FROM THIS CASE IF THE PLAINTIFF(S) OBTAIN ANY RECOVERY.**

If you decide to mail the Notice of Consent, you will be bound by the judgment of the Court on all issues in the case whether it is favorable or unfavorable to you.

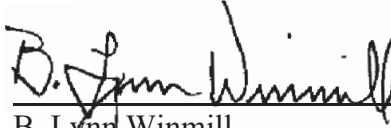
This Notice is only for the purpose of determining the identity of those persons who wish to be involved in this case and has no other purpose. There is no assurance at this time that the Court will grant any relief requested by the Plaintiff or the Defendant.

The law prohibits anyone from discriminating or retaliating against you for taking part in this case.

DATED: April 26, 2022



United States Courts
District of Idaho
ISSUED
Jocelyn Dunnegan
on Apr 26, 2022 1:29 pm


B. Lynn Winmill
U.S. District Court Judge

Clerk of court

NOTICE OF CONSENT

REQUEST TO BE INCLUDED IN THE CLASS

Read the “Notice of Class Action” carefully before deciding whether to fill out this form. If you decide to be a member of the Class asserting claims against Bill's Heating Air Appliance Repair, LLC fill out this form and return it **no later than August 31, 2022**.

I wish to be a member of the Class in Sean Wolthers v. Bill's Heating Air Appliance Repair, LLC, United States District Court District of Idaho, Case No. 2:20-cv-00504-BLW. I understand that by filling out this form and returning it postmarked **no later than August 31, 2022**, I will participate in that lawsuit with respect to claims against Bill's Heating Air Appliance and may be entitled to recover compensation for unpaid wages if the Plaintiff obtains any recovery.

Dated: _____

Signature

Name (Print)

Address

City, State, Zip Code

Telephone Number

E-Mail Address