



United States District Court

Fredericks v. Ameriflight, LLC

Case No. 3:23-cv-01757-X

Collective Action Notice

Authorized by the U.S. District Court

Did you fly for Ameriflight under a Beechcraft 99 training repayment agreement between Jan. 30, 2020, and the present?

You may be eligible to join a collective action lawsuit.

If you want to join the lawsuit, you must sign and submit the Consent to Join Lawsuit Form no later than February 28, 2025.

Important things to know:

- **If you do nothing, your rights will be affected.**
- If you want to join the lawsuit, you must sign and submit the Consent to Join Form no later than **February 28, 2025**. You may sign and submit the Consent to Join Form electronically using this case website at www.AmeriflightLawsuit.com.
- If you wish to exclude yourself from the lawsuit, you must request exclusion no later than February 28, 2025.
- You can learn more at: www.AmeriflightLawsuit.com.

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About This Notice

Why did I get this notice?

This notice is to tell you about a lawsuit, *Fredericks v. Ameriflight, LLC*, brought on behalf of pilots who worked for Ameriflight under a training repayment agreement. **You received this notice because you may be a member of the group of people affected.**

Based on Ameriflight's records, you have been identified as a member of two groups: **(1) the Federal Wage Collective, and (2) the Penalty Class.**

You may be familiar with the concept of a "class action." In many class actions, individuals are bound by the results of the lawsuit, unless they request exclusion. In other words, if individuals do nothing, they are bound by the outcome of the lawsuit, whether it results in money for them or not. This is true of the Penalty Class.

A "collective" is similar to a "class," except that you must actively choose to join the collective. The procedures for joining a collective action lawsuit are established by the federal Fair Labor Standards Act ("FLSA"), which sets the nation-wide minimum wage. You must actively choose to join an FLSA collective, which will be referred to in this notice as the "Federal Wage Collective." If you do nothing, you will not be able to join the Federal Wage Collective at a later time. You will not be able to receive any money if there is a court-ordered judgment or settlement. You will not be bound by the results of the lawsuit with respect to these federal wage claims.

This case is considered a "hybrid" collective and class action lawsuit, because even though you must actively consent to join the Federal Wage Collective, you will automatically be a part of the "Penalty Class," unless you request exclusion.

Read this notice to understand the case and to determine if you are eligible to join the Federal Wage Collective. Then, decide if you want to join the lawsuit. If you do not, then decide if you want to request exclusion from the Penalty Class. If you have questions or need assistance, please go to www.AmeriflightLawsuit.com.

What is the deadline for making a decision about this lawsuit?

The deadline to join the Federal Wage Collective is **February 28, 2025**. The enclosed Consent to Join Form must be postmarked by this date. You may also submit the Consent to Join Form electronically at www.AmeriflightLawsuit.com.

February 28, 2025 is also the deadline for requesting exclusion from the Penalty Class.

Who is eligible to participate in the lawsuit?

This is the definition of the Federal Wage Collective that the court approved:

Pilots with a repayment agreement who left employment with Ameriflight before the term of the repayment plan was complete.

The Federal Wage Collective only includes pilots who completed training, and were employed under the repayment agreement between January 30, 2020 and the present.

Anyone who meets this definition is eligible to join the Federal Wage Collective. If you do not join, you will not be part of the Federal Wage Collective.

This is the definition of the Penalty Class that the court approved:

Pilots with a Beechcraft 99 repayment agreement who left employment with Ameriflight before the term of the repayment plan was complete.

The Penalty Class only includes pilots who completed training, and were under the Beechcraft 99 training repayment agreement between January 30, 2019, and the present. Pilots who signed repayment agreements for aircraft other than the Beechcraft 99 are not included in the class.

Anyone who meets this definition is a part of the Penalty Class, unless you request exclusion from the class.

Do I have a lawyer in this lawsuit?

If you choose to join the lawsuit, you are consenting to have your interests under the Fair Labor Standards Act represented in court by the following lawyers:

Your Lawyers:

Rachel Dempsey, TOWARDS JUSTICE

Persis Yu, STUDENT BORROWER PROTECTION CENTER

Ashley Tremain, TREMAIN ARTAZA PLLC

Rachel Smit, FAIR WORK, P.C.

These are also the lawyers who will represent you as a member of the Penalty Class. **You will not be charged for their services**, although their fees may be paid with the court's approval from any settlement that they negotiate for the class.

If you want to be represented by your own lawyer, you may hire one at your own expense.

Learning About the Lawsuit

What is this lawsuit about?

Kathleen Fredericks is a former Ameriflight pilot who filed a lawsuit on behalf of herself and other Ameriflight pilots in January 2023 claiming that Ameriflight's training repayment agreement violated federal and state law. There are two claims that affect you.

Fair Labor Standards Act Claim

Fredericks claims that Ameriflight violated the federal Fair Labor Standards Act ("FLSA"), which establishes the nation-wide minimum wage.

Specifically, Fredericks claims that Ameriflight cannot be deemed to have paid pilots at least the federal minimum wage for all hours that they worked because their wages were not paid "free and clear." Fredericks claims that the training repayment agreement, which Ameriflight pilots were required to sign at the time of hire, made their wages conditional, not "free and clear." Fredericks claims that pilots' wages were conditional because if they did not complete their employment term, they would be required to pay Ameriflight back. Fredericks is seeking recovery of all unpaid federal minimum wages for pilots, and additional damages in the same amount.

Fredericks also claims that the amounts pilots actually repaid to Ameriflight constitute illegal "kickbacks" of wages. Fredericks is seeking recovery of all repayments made by pilots to Ameriflight, and additional damages in the same amount.

Ameriflight does not agree with Fredericks' interpretation of the FLSA and denies that it did anything wrong. Ameriflight contends that it properly and fully compensated all of its employees for all hours worked under the FLSA and that all of its wage payments were unconditional and were "free and clear," and denies that it has asked pilots to repay wages.

The Court has denied Ameriflight's motion to dismiss these federal wage claims, but the Court has not yet decided which side is correct.

On November 25, 2024, the Court ruled that the federal wage claims may proceed on a collective basis with respect to pilots who completed training and left employment with Ameriflight before the term of the repayment plan was complete.

Where can I learn more?

You can get a complete copy of the key documents in this lawsuit by visiting:
www.AmeriflightLawsuit.com

This means that Fredericks and her lawyers are able to represent the interests of eligible members of the collective, but only if they consent to join the lawsuit.

Unenforceable Penalty Claim

Fredericks also claims that the repayment amount under the Beechcraft 99 training repayment agreement is a penalty (the “penalty claim”), that violates Texas law and should not be enforced by any court.

Fredericks seeks to recover any amounts that class members have paid to Ameriflight or any collections agencies. Fredericks also seeks an order from the Court that the training repayment agreement is unlawful and unenforceable.

Ameriflight does not agree that the repayment amount is a penalty, and denies that it did anything wrong. Ameriflight contends that the repayment amount is a reasonable estimate of the cost of the training it provided to Fredericks and the other class members.

The Court has denied Ameriflight’s motion to dismiss the penalty claim from the case, but the Court has not yet decided whether the repayment amount is a penalty that violates Texas law.

On November 25, 2024, the Court ruled that the penalty claim can proceed as a class action, **but only with respect to pilots who were trained on the Beechcraft 99**. This means that Fredericks and her lawyers are able to represent the interests of class members, like you, as the case proceeds, without you having to actively participate in the lawsuit.

With respect to both the Fair Labor Standards Act Claim and the Unenforceable Penalty Claim, the Court has authorized this notice to inform you of your right to join this lawsuit. Nothing in this notice is intended as an expression of the Court’s opinion about the merits of Fredericks’ claims or Ameriflight’s defenses, or about whether you should join this lawsuit.

What happens next in this lawsuit?

The lawyers will continue to pursue legal action and prepare the case for trial, unless the two sides decide to settle the case.

Deciding What To Do

What are my options?

You have three options. You can join the lawsuit, you can do nothing, and you can request exclusion from the lawsuit. More information about each option follows.

Joining the Lawsuit

What happens if I join the lawsuit?

If you join the lawsuit, you will be part of the Federal Wage Collective and your rights will be affected by the outcome. If Fredericks and the pilots who join this lawsuit win or settle, you may be entitled to money. If Ameriflight wins, you will receive nothing.

If you join the lawsuit, you may be asked to respond to written discovery, sit for a deposition, or testify in court. You won't be able to start, continue, or be part of any other lawsuit against Ameriflight if that lawsuit is about Ameriflight's payment of the federal minimum wage while you were flying under a repayment agreement.

How do I join?

To join the Federal Wage Collective, you must sign and return the Consent to Join Form included with this notice to the case administrator by **February 28, 2025**.

If you do not submit the Consent to Join Form by February 28, 2025, you will lose your right to join the lawsuit. **You will not be able to join at a later date.** You may also lose the right to pursue your federal wage claims, due to deadlines for filing these types of claims.

You may use the postage-pre-paid return envelope enclosed with this notice to return your Consent to Join Form. Alternatively, you may submit the form on-line at www.AmeriflightLawsuit.com, or you may mail the Consent to Join Form to the Case Administrator at:

Fredericks v Ameriflight
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164

If you mail the form, it must be postmarked by **February 28, 2025** to be considered on time.

Doing Nothing

What if I don't do anything?

If you do nothing, you will not be part of the Federal Wage Collective, and you will not be bound by the resolution of the federal wage claims in the lawsuit. If Fredericks and the pilots who join this lawsuit win or settle, you will not be entitled to money.

You will not be eligible to join the lawsuit at a later date.

If you choose, you may pursue your federal wage claims on your own instead of through this lawsuit. However, there are strict deadlines for filing a federal wage claim. You may wish to wish to consult with your own lawyer as soon as possible if you think you might file your own claim.

If you do nothing, you will be part of the Penalty Class, and your rights will be affected by the outcome of the penalty claim in this lawsuit. You won't be able to start, continue, or be part of any other lawsuit against Ameriflight that claims the repayment amount is a penalty under Texas law.

If Fredericks wins or settles this claim, class members may be entitled to money. If Ameriflight wins, class members will receive nothing.

Requesting Exclusion

What if I don't want to be a part of this case at all?

You can request exclusion from the Penalty Class. Also, you will automatically be excluded from the Federal Wage Collective if you do not submit a Consent to Join form.

How do I request exclusion?

If you wish to be excluded from the class, you must send a request to be excluded from the class to the Case Administrator. To be effective, the request for exclusion must include: (i) your full name, address, email address, and telephone number; (ii) a statement that you request to be excluded from the class and understand that you will not be eligible to recover any money as part of any court-ordered judgment or settlement; and (iii) your signature and the date.

Requests for exclusion must be sent to the Case Administrator by mail or email, and must be submitted or postmarked by February 28, 2025.

Fredericks v Ameriflight
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164
AmeriflightLawsuit@atticusadmin.com

Be sure to include your name, address, telephone number, and signature.

If you exclude yourself from the Penalty class, you will not receive any money if there is a court-ordered judgment or settlement in the case.

Key Resources

How do I get more information?

This notice summarizes the decision to allow this case to proceed as a collective and class action. There are more details in the case documents. To get a copy of the case documents or get answers to your questions:

- visit the case website at www.AmeriflightLawsuit.com.
- contact the lawyers who represent the class (information below)

Resource	Case Information
Case website	www.AmeriflightLawsuit.com
Phone #	1 (857) 800-0440
Your Lawyers	<p>Rachel Dempsey TOWARDS JUSTICE 1580 N Logan Street Ste 660 PMB 44465 Denver, CO, 80203-1994 rachel@towardsjustice.org</p> <p>Persis Yu STUDENT BORROWER PROTECTION CENTER (a fiscally sponsored project of Shared Ascent Fund) 1025 Connecticut Ave NW, #717 Washington, DC 20036 persis@protectborrowers.org</p> <p>Ashley Tremain TREMAIN ARTAZA PLLC 6060 N. Ctrl. Expwy., Suite 567 Dallas TX 75206 ashley@tremainartaza.com</p> <p>Rachel Smit FAIR WORK, P.C. 192 South St. Suite 450 Boston, MA 02111, USA rachel@fairworklaw.com</p>