



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 training repayment agreement between January 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 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 www.AmeriflightLawsuit.com.
- 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 collective action 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, called the “collective.”**

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 the class members do nothing, they are bound by the outcome of the lawsuit, whether it results in money for them or not.

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.

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 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.

Who is eligible to join 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.

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 the lawyers who will represent you as a member of the Federal Wage Collective. **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 collective.

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 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.

Where can I learn more?

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

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. 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.

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 two options. You can join the lawsuit, or you can do nothing.

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 lawsuit, 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.

Key Resources

How do I get more information?

This notice summarizes the decision to allow this case to proceed as a collective 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>