

**United States District Court  
for the District of North Dakota**

**If you worked for Turney Bros Oilfield Services and Pipeline, LLC.  
as an oilfield pipeline worker in North Dakota at any time since  
August 31, 2012, you may be able to join a collective action lawsuit  
seeking back overtime wages and other damages.**

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

An oilfield pipeline worker former employee of Turney Bros Oilfield Services and Pipeline, LLC (“Turney Bros”) alleges that he was not paid all overtime wages owed because Turney Bros had a practice or policy of not paying employees for time spent driving from the relevant oilfield or pipeline worksite to the Watford City Yard after completing work at the relevant oilfield or pipeline worksite. Additionally, this worker alleges that he was not paid all overtime wages owed because Turney Bros did not include compensation labeled as “per diem” pay in calculating his hourly overtime rates of pay.

The Court has allowed the lawsuit to be conditionally certified as a collective action, which is a type of class action, on behalf of all current and former oilfield pipeline employees who worked for Turney Bros in North Dakota at any time from August 31, 2012 to now.

**1. Why did I get this notice?**

This Notice is to tell you about a collective action lawsuit against Turney Bros that may affect your potential rights to back overtime wages and other damages under federal law. The name of the lawsuit is *Randy Burd, on behalf of himself and all others similarly situated v. Turney Bros Oilfield Services and Pipeline, LLC and Brandon Turney*, Civil Action No. 4:15-cv-00041-DLH-CSM pending in the United States District Court for the District of North Dakota.

You have legal rights and options that you may exercise. Therefore, the Court has ordered that this notice be sent to you to explain what the lawsuit is about so that you can decide whether to opt-in (join the lawsuit).

**2. What is the overtime wage lawsuit about?**

Randy Burd (the “Plaintiff”) filed this lawsuit against Turney Bros on behalf of himself and certain other past and current oilfield pipeline worker employees who worked for Turney Bros in North Dakota.

The Plaintiff alleges that Turney Bros did not pay him for drive time from the relevant oilfield or pipeline worksite back to the Watford City Yard, and that this failure to pay for those hours worked resulted in unpaid overtime wages under the Fair Labor Standards Act (“FLSA”).

For more information, call toll-free 1 (866) 495-1255 or [www.turneyovertime.com](http://www.turneyovertime.com)

The Plaintiff also alleges that Turney Bros miscalculated the overtime wages he was owed because it did not include per diem pay in calculating his hourly overtime rates of pay.

As a result, the Plaintiff believes that Turney Bros owes back overtime pay and liquidated damages (equal to back overtime pay) for failing to pay all overtime pay owed.

Turney Bros denies Plaintiff's allegations and contends that all overtime wages owed were properly paid to its employees.

The Court has not decided who is right or wrong in this lawsuit.

### **3. How do I join (opt-into) the overtime lawsuit?**

If you fit the definition at the top of this notice, you may join this lawsuit as a class plaintiff and be represented by the named lead Plaintiffs in this lawsuit. You can join by mailing, faxing, or emailing the enclosed "**Consent to Join**" form to the Plaintiff's attorneys before the deadline.

**Your form must be received (or, if mailed, postmarked) on or before 90 days after notice.**

If you want to join, send in the form sooner rather than later because you may seek overtime under the FLSA dating back to three years before the date that form is filed and forward. Filing the form earlier means that the time period covered for you in the case will start earlier.

### **4. What happens if I join the overtime lawsuit?**

If you submit the "Consent to Join" form: You will be represented by the Plaintiff and his lawyers, who will make decisions and agreements on your behalf concerning the lawsuit. If the Plaintiff recovers money from Defendants, you may be able to receive a share. However, you cannot bring a separate lawsuit seeking overtime pay, even if the Plaintiff does not recover money.

The Plaintiff's attorneys will not charge you directly for their work. If Plaintiff recovers money, the Plaintiff's attorneys will be paid whatever fees the Court approves. Those fees may be subtracted from the recovery, if any, obtained from Defendants, or they may be paid separately by Defendants, or they may be a combination of the two. If the Plaintiff recover no money or relief from Defendants, his lawyers will not be paid for their work on this case.

### **5. What happens if I do nothing?**

If you do nothing (i.e., do not submit the "Consent to Join" form): You will not be a part of the lawsuit. You will not be affected by any judgment in this lawsuit or be represented by the Plaintiff's lawyers. If money is recovered, you will receive a share.

### **6. What happens next?**

You and the other Class Members have until 90 DAYS AFTER DATE OF MAILING to opt into the lawsuit. After that date, you will not be allowed to opt-into this lawsuit.

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## **7. Can Employers retaliate against me if I join this lawsuit?**

No. Federal law prohibits employers, including future potential employers, from retaliating against you in any way for participating in good faith in an overtime wage claim. For example, they cannot make threats against you, fire you, give you an unfair review, cut your pay, fail to promote you, or refuse to hire you for exercising your rights under the FLSA in good faith.

## **8. Who will represent me if I join the lawsuit?**

If you choose to join this suit, you will be represented by the Plaintiffs through their attorneys:

**Allen R. Vaught**  
**Baron & Budd, P.C.**  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, TX 75219  
Telephone: (866) 242-0255  
Fax: (214) 520-1181  
E-Mail: [nismith@baronbudd.com](mailto:nismith@baronbudd.com)

## **9. How do I get more information?**

If you have questions, feel free to contact the attorneys listed in Paragraph 8 above, visit [www.turneyovertime.com](http://www.turneyovertime.com), or call 1 (866) 495-1255.

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