

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DEBORAH PRISE and HEATHER RADY  
on behalf of themselves and all employees  
similarly situated,**

**Plaintiffs,**

**v.**

**ALDERWOODS GROUP, INC. and  
SERVICE CORPORATION  
INTERNATIONAL,**

**Defendants.**

Civil Action No. 06-1641

Judge Joy Flowers Conti

**AGREED ORDER ON COLLECTIVE ACTION NOTIFICATION**

On April 19, 2007, the Court held a hearing regarding Plaintiffs' Motion for Expedited Collective Action Notification ("Motion") (Docket # 2). The parties having conferred and agreed on issues relating to the carrying out of the Court's oral rulings at the hearing, the Court hereby **ORDERS**:

- (1) That notice of this action shall be provided only to a class consisting of employees of Alderwoods Group, Inc. who worked in any of the following positions at any time between December 8, 2003 and the date of entry of this Order: Apprentice Funeral Director/Embalmer, Funeral Director/Embalmer, Funeral Director, Location Manager paid on an hourly basis, Arranger, Assistant Funeral Director, and/or Community Relations Director ("Relevant Individuals").
- (2) As set forth more fully below, the Relevant Individuals shall be provided with notice of the existence of this lawsuit and the plaintiffs' allegations relating to subclasses claiming that Alderwoods implemented policies under which it allegedly:

- a. permitted employees to do community work as part of their job duties without paying for all the time Alderwoods permitted the Employee to do community work;
- b. permitted employees to perform duties while on-call (such as handling phone calls, getting ready for a removal, etc.) and did not pay for all such time spent by the Employee;
- c. permitted employees as part of their job duties to engage in training to become licensed insurance agents and did not pay for all such training time;
- d. permitted employees to work overtime but did not pay them for it unless it was “pre-approved” by Alderwoods; and
- e. did not include certain forms of pay (such as bonuses and commissions) in the calculation of overtime pay.

(3) The parties continue to have disagreements about whether individuals exist in addition to the Relevant Individuals, who are within the scope of one or more of the subclasses and, if so, how any such additional individuals should be notified of this lawsuit. The parties will confer in good faith on such issues, conduct appropriate discovery, if needed, and may direct any unresolved disagreements to the Court. This Order in no way waives the rights of any party to contest the inclusion of additional individuals in the action, or to prejudice any parties’ right to seek additional or different notification to such individuals, or to contest the ability of opt-ins to obtain final certification under the FLSA or to seek the dismissal of individuals from the case. For example, Defendants reserve the right to seek the dismissal from the case of any individuals not within the definition of Relevant Individuals who have filed or may file opt-in consent forms.

(4) That two forms of notice shall issue. One form of notice (attached as Exhibit A) will go to persons who held any of the following positions at any time between December 8, 2003 and the date of entry of this Order: Apprentice Funeral

Director/Embalmer, Funeral Director/Embalmer, Funeral Director, and/or Location Manager paid on and hourly basis. This form of notice will address all five issues complained of by Plaintiffs in their Motion. The second form of notice (attached as Exhibit B) will issue to persons who did not hold any of the positions listed above in this paragraph during the time between December 8, 2003 and the date of entry of this Order but who did hold one of the following positions during such time: Arranger, Assistant Funeral Director, and/or Community Relations Director. This form of notice will address only the community work and pre-approval of overtime issues alleged by Plaintiffs in their Motion as the Court finds that the other allegations raised by Plaintiffs do not relate to these positions. The Court approves the two notice forms attached to this Order as Exhibits A and B for this purpose.

- (5) That for all Relevant Individuals, Alderwoods shall, consistent with Paragraph 7 of this Order, provide to Plaintiffs' counsel the name, last known street address, last known apartment or house number (if applicable), last known city, last known state, last known zip code, any additional last known address information and Social Security number. The information shall be in electronic format that allows for convenient access of the data. The data shall be provided in two sets: one set consisting of information for the Relevant Individuals who are to receive the form of notice in Exhibit A and the second set consisting of information for the Relevant Individuals who are to receive the form of notice in Exhibit B. Plaintiffs' counsel shall use the Social Security numbers referred to in this Paragraph solely for the purposes of obtaining current addresses and shall treat

such information as confidential and in accordance with applicable protective orders. Plaintiffs' counsel shall by the end of the Opt-in Period (as defined below), destroy all documents and data reflecting the Social Security numbers of any individuals who either have not opted in or retained Plaintiffs' counsel.

- (6) That the method of notice shall be direct mailing by Plaintiffs' counsel to individuals identified in Paragraph 1, at their last known home address, or any additional addresses that reasonable investigation by Plaintiffs' counsel indicates could be the Relevant Individual's current home address. Plaintiffs will make good faith efforts not to send notice to any individuals who have opted in to the lawsuit as of the date of this Order. Plaintiffs shall bear the costs associated with mailing notices.
- (7) That Alderwoods shall have seventeen (17) days from the date that this Order is entered to provide to Plaintiffs' counsel with as much of the information identified in Paragraph 5 as it can provide through good faith efforts. Alderwoods shall have three (3) additional days after the expiration of the first seventeen (17) days to provide any remaining information identified in Paragraph 5.
- (8) That individuals receiving notice shall return the Consent form to their counsel of choice. To be included in this action, the individual's Consent form shall be filed with the Court by the date specified on the Consent form, which shall be (90) days from the date that is four days after Alderwoods certifies that it has produced all contact information as specified in Paragraph 5 for the Relevant Individuals. This (90) day period is hereinafter referred to as the "Opt-in Period." Individuals whose Consent forms are filed after the date specified on the Consent form will

not be permitted to join the lawsuit, unless the individual establishes, through production of an authenticated original or copy of the envelope sent to their counsel of choice, that they mailed the consent form by regular U.S. mail with a postmark date on or before the date specified on the Consent form. The Court approves the Consent form attached to this Order as Exhibit C for this purpose.

(9) That, upon receipt of a timely Consent form after the date of entry of this Order, Plaintiffs' counsel, or other counsel chosen by the opt-in plaintiff, must provide the opt-in plaintiff with the appropriate Information Sheet to be filled out and served upon Defendants' counsel within thirty (30) days from the end of the Opt-in Period, except that counsel shall have forty-five (45) days from the end of the Opt-in Period to serve Information Sheets for individuals whose Consent forms are filed in the last fifteen (15) days of the Opt-in Period. No such Information Sheet need be provided to opt-in plaintiffs who were not listed with the information that Alderwoods provided pursuant to Paragraph 5. The Court approves the Information Sheets attached to this Order as Exhibits D (which shall pertain to class members who receive Exhibit A) and E (which shall pertain to class members who receive Exhibit B) for this purpose. Individuals who do not comply with this deadline will not be permitted to participate in this lawsuit.

(10) That, for individuals who filed opt-in forms with the Court on or before the date of entry of this Order and who are Relevant Individuals, Plaintiffs' counsel or other counsel chosen by the opt-in plaintiff, must provide the opt-in plaintiff with the appropriate Information Sheet as specified in the previous Paragraph to be filled out and served upon Defendants' counsel within thirty (30) days from the

end of the Opt-in Period. No such Information Sheet need be provided to opt-in plaintiffs who were not listed with the information provided by Alderwoods pursuant to Paragraph 5. Individuals who do not comply with this deadline will not be permitted to participate in this lawsuit.

- (11) That Plaintiffs' counsel shall within sixty (60) days from the date of entry of this Order serve on Defendants the full names and Social Security numbers of individuals who filed opt-in forms with the Court on or before the date of entry of this Order. Plaintiffs' counsel or counsel of an opt-in plaintiff's choosing shall within (45) days from the end of the Opt-in Period serve the same information on Defendants for individuals who file opt-in consent forms with the Court after the date of entry of this Order. Any individual who does not timely provide the information required by this Paragraph shall not be permitted to participate in a FLSA claim in this lawsuit unless such person timely files a consent form in response to a notice that this Court authorizes to be sent to them in this lawsuit.
  
- (12) That the parties will file a Fed. R. Civ. P. 26(f) report by May 18, 2007 that will address the scope of discovery during the Opt-in Period. The parties have agreed that a second Fed. R. Civ. P. 26(f) conference shall be held on or after 45 days after the Opt-in Period for purposes of further discussing class discovery and related issues.

DATED: May 18, 2007

BY THE COURT:

/s/ Joy Flowers Conti

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Joy Flowers Conti  
United States District Judge