

Jatindranath v. Forward Air Final Mile, LLC

c/o Apex Class Action LLC

PO Box 54668

Irvine, CA 92619



**NOTICE OF YOUR RIGHT TO JOIN CASE SEEKING TO RECOVER OVERTIME PAY FOR
INDEPENDENT CONTRACTOR DRIVERS AND HELPERS**

Jatindranath v. Forward Air Final Mile, LLC

United States District Court for the District of Colorado

Civil Action No. 1:23-cv-01173-RMR-MEH

May 8, 2025

Dear current or former Driver or Helper:

Enclosed is a consent form giving you the option to participate in a case seeking to recover overtime pay for Drivers and Helpers who performed delivery and installation services for Independent Service Providers (“ISPs”) that contracted with Forward Air Final Mile, LLC (“FAFM”) in any state which had in place a state minimum wage in excess of the federal minimum wage between July 25, 2020 and May 8, 2025, who have been classified by ISPs as independent contractors, and who are not the owners, principals or otherwise holding an ownership interest in, an ISP (hereinafter “Putative Class Members”).

In this case, the Plaintiff alleges that the Putative Class Members were unlawfully classified as independent contractors and should have received at least the minimum wage for all hours they worked per week. Plaintiffs contend that FAFM was a joint employer under the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 et seq, and that FAFM violated the FLSA by classifying the Putative Class Members as independent contractors and failing to pay minimum wage for all hours worked. FAFM denies these allegations. FAFM contends that Putative Class Members were properly classified as independent contractors, and that even if the Putative Class Members should have been classified as employees, FAFM was not the Putative Class Members’ “employer.” Rather, the ISPs that contracted with the Putative Class Members would be the “employers” and responsible for paying minimum wage.

Despite FAFM’s position that it has no liability in this case, the Parties agreed to allow this Notice to be distributed as part of the Parties’ efforts to try and resolve this case. According to FAFM’s records, you are eligible to participate in this lawsuit because you: (1) worked as a Driver or Helper who performed delivery and installation services for an ISP that contracted with FAFM; (2) performed such services in a state which had in place a state minimum wage in excess of the federal minimum wage during the applicable limitations period; (3) were classified by the ISP you performed services for as an independent contractor; and (4) were not the owner, principal or otherwise holding an ownership interest in, an ISP. If any of these elements are inaccurate, you are not eligible to participate in this case and you should **not** return the enclosed consent form.

In order to participate in the case, you must complete and return the enclosed consent form by mail or e-mail to the address below by no later than July 7, 2025.

Apex Class Action, LLC

P.O. Box 54668

Irvine, CA 92619

claims@apexclassaction.com

Toll-Free: (800) 355-0700

Although FAFM disputes Plaintiff's claims in this case, FAFM has given its assurances that you will not be subject to retaliation of any kind by FAFM regardless of whether you choose to participate in this lawsuit.

In this lawsuit, there has not been a decision yet by the Court as to whether or not the Plaintiff's claims are valid or whether you or any other Drivers and Helpers are entitled to receive any money from FAFM. There has also not been any settlement reached. If you do not return the enclosed consent form by July 7, 2025, you will not be considered part of this lawsuit and you will be unable to receive a share of any settlement or judgment that Plaintiff may obtain. If you do participate in the case, you will be bound by any ruling entered by the court, favorable or unfavorable, or settlement reached by the Parties. In the event this lawsuit does not settle, there is no guarantee that the Plaintiff will prevail on his claims or that Plaintiff and those who join the lawsuit will recover any money.

The Plaintiff who initiated this case will work with us to make decisions regarding the progress of this litigation. You may also be asked to be a witness or to provide evidence in the case, although not all individuals who submit a consent form will be required to do so.

If you need additional information, you may contact us at the phone numbers or e-mails provided below:

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Bradley Manewith
LICHTEN & LISS-RIORDAN, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
(617) 994-5800
claims@llrlaw.com

This notice has been authorized by the United States District Court. Please do not contact the court. You may contact us if you need additional information.

Sincerely,

Harold Lichten