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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELLY BOLDING, and MICHAEL
MANFREDI, individually and on behalf of a
class of all others similarly situated,

Plaintiffs,

v.

BANNER BANK, a Washington Corporation,

Defendant.

No. 2:17-cv-0601RSL

NOTICE OF CONDITIONAL
CERTIFICATION OF COLLECTIVE
ACTION LAWSUIT ALLEGING
FAILURE TO PAY OVERTIME
WAGES

**If you would like to join in this Fair Labor Standards Act Collective Action,
you must submit a “Consent to Join” form no later than APRIL 12, 2018.**

1 whether or not the work is performed during regular bank hours, outside the office, or
2 on weekends, vacations, holidays, lunch, or other breaks.

3 **III. DEFENDANT’S STATEMENT**

4 Banner Bank denies Plaintiffs’ allegations and any wrongdoing. It contends that
5 Banner Bank and AmericanWest Bank have policies prohibiting off-the-clock work of
6 any type, that Mortgage Loan Officers are expected to and do record all hours worked,
7 and that Banner Bank and AmericanWest Bank have paid Mortgage Loan Officers for
8 all of their hours worked, including all overtime hours.

9 **IV. PERSONS ELIGIBLE TO MAKE A CLAIM IN THIS LAWSUIT**

10 You are eligible to join this lawsuit if you worked as a Mortgage Loan Officer
11 (for purposes of this litigation, the term includes Loan Officers, Residential Lenders,
12 and Real Estate Commissioned Loan Officers) in the United States for Banner Bank or
13 its predecessor in interest, AmericanWest Bank, at any time after December 15, 2014.

14 **V. HOW TO PARTICIPATE IN THIS LAWSUIT**

15 If you wish to make a claim and join this case by becoming a plaintiff in the
16 collective action, you must “opt-in” to the lawsuit by submitting a “Consent to Join,” a
17 copy of which is attached to this notice and located on the case web page maintained by
18 plaintiffs’ counsel: www.blankenshiplawfirm.com/banner-bank/. You must
19 complete, sign, and submit this form by **APRIL 12, 2018**.

20 You may mail, fax, or email your completed form to:

21 **SCOTT C.G. BLANKENSHIP**
22 **THE BLANKENSHIP LAW FIRM, P.S.**
23 1000 SECOND AVENUE, SUITE 3250
24 SEATTLE, WASHINGTON 98104
25 PHONE: (206) 343-2700 FAX: (206) 343-2704
26 BLF@BLANKENSHIPLAWFIRM.COM

27 **If you do not timely deliver a “Consent to Join” form or timely file a
28 separate lawsuit on your own, any rights you may have under the FLSA for
29 overtime wages or other relief requested in this lawsuit may be waived. You will
30 not participate in any recovery, settlement, or judgment Plaintiffs may obtain
31 through this litigation.**

1 **V. LEGAL EFFECT OF SUBMITTING THE CONSENT FORM**

2 If you choose to join this lawsuit by timely delivering the “Consent to Join”
3 form, you will be permitted to participate as a plaintiff in the collective action now
4 pending before the court. By participating, you will be entitled to seek overtime wages
5 for three years prior to the date on which you join the litigation. You will be bound by
6 any judgment or settlement of the claims under the FLSA, whether the outcome is
7 favorable or unfavorable.

8 If you join the lawsuit, you may be required to actively participate by, for
9 example, producing documents for use in the litigation, responding to discovery
10 requests, and providing testimony under oath at a deposition or at trial.

11 If you choose to join, you agree to allow Kelly Bolding and Michael Manfredi to
12 represent your interests in this lawsuit. Although you will not get copies of every
13 document filed in the litigation, you will be entitled to notice of any ruling reducing the
14 size of the collective, as well as notice of and an opportunity to be heard respecting any
15 proposed settlement or dismissal of the claims.

16 You may be required, as a condition of participating in any recovery through
17 settlement or judgment, to present proof of your claim(s) against Defendant. (You
18 should therefore preserve information or records regarding hours worked and overtime
19 wages paid).

20 If you choose to join, you are designating Plaintiffs’ counsel, Scott C. G.
21 Blankenship and The Blankenship Law Firm, P.S., as your agents to make binding
22 decisions on your behalf concerning the litigation. If this collective action is later de-
23 certified, counsel will inform you of your options, which may include abandoning your
24 claims, pursuing the claims on your own or with alternate counsel, or hiring Mr.
25 Blankenship to represent you individually.

26 If a settlement or judgment is entered in favor of the collective, any payment of
attorney’s fees must be approved by the Court. You will be provided with written notice
of any fee requests by counsel, and you will have the opportunity to object to it if you
chose to do so.

VI. LEGAL EFFECT OF NOT SUBMITTING A CONSENT TO JOIN

If you do not wish to participate in this lawsuit as a plaintiff, simply do nothing.
You will not be bound by or share in any judgment or settlement regarding any claim
you may have under the FLSA, whether favorable or unfavorable. To the extent you do
not bring a timely legal action on your own behalf to recover overtime under the FLSA,
you may lose the ability to recover any overtime claimed to be owed in this lawsuit.

1 **VII. NO OPINION EXPRESSED AS TO MERITS OF LAWSUIT**

2 This Notice is for the sole purpose of providing current and former Banner Bank
3 Mortgage Loan Officers with information concerning the right to join the lawsuit. The
4 Court takes no position on the validity of the claims asserted in this lawsuit.

5 **VIII. NO RETALIATION PERMITTED**

6 Federal law prohibits employers, such as Banner Bank, from discriminating or
7 retaliating against or taking any negative actions against any person for “opting-in” to
8 this lawsuit, making a claim or complaint for compensation, assisting or testifying in a
9 lawsuit under the FLSA, or otherwise participating in a proceeding or exercising their
10 rights under the FLSA.

11 **IX. FURTHER INFORMATION**

12 For further information about this lawsuit, you may contact Plaintiffs’ counsel
13 by mail at: 1000 Second Avenue, Suite 3250, Seattle, Washington, 98104, by telephone
14 at (206) 343-2700, or by e-mail at BLF@blankenshiplawfirm.com
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELLY BOLDING, and MICHAEL
MANFREDI, individually and on behalf of a class
of all others similarly situated,

No. 2:17-cv-0601RSL

Plaintiffs,

CONSENT TO JOIN

v.

BANNER BANK, a Washington Corporation,

Defendant.

1. Pursuant to the Fair Labor Standards Act, 29 U.S.C. §216(b), I hereby consent to join and act as a plaintiff, along with the others, in the above-captioned lawsuit.

2. I agree to be bound by any adjudication or court rulings in the lawsuit, whether favorable or unfavorable.

3. I hereby designate Kelly Bolding, Michael Manfredi, and Scott C.G. Blankenship of the Blankenship Law Firm, P.S. to represent me in the lawsuit.

Signature: _____ Date: _____

Print Name: _____

Address: _____

Telephone: _____ E-mail: _____

You must complete, sign, and submit this form by **APRIL 12, 2018.**

You may mail, fax, or email your completed form to:

THE BLANKENSHIP LAW FIRM, P.S.

1000 Second Avenue, Suite 3250

Seattle, Washington 98104

Phone: (206) 343-2700 Fax: (206) 343-2704

BLF@blankenshiplawfirm.com