

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**SALVADOR CANAVA, individually and on behalf of  
others similarly situated,**

**Plaintiffs,**

**vs.**

**RAIL DELIVERY SERVICES, INCORPORATED et  
al.,**

**Defendants.**

**5:19-cv-00401-JGB-KK**

**CONSENT TO SUE**

I work or worked for RAIL DELIVERY SERVICES, INC. as an owner-operator and leased a truck from RDS within the last three years. I hereby consent to sue these Defendants in this Fair Labor Standards Act minimum wage case. I understand that by signing this form, I will be represented by the Named Plaintiff and Getman Sweeney & Dunn, PLLC (and other associated attorneys) in bringing any claims I may have under the Fair Labor Standards Act (for unpaid minimum wage, attorney's fees, costs and other relief) in this action. By signing and submitting this consent to sue, I authorize the firm to represent me without prepayment of costs or attorneys' fees. I understand that: 1) if Plaintiffs are successful, costs expended by the attorneys on my behalf will be deducted from my settlement or judgment before payment to me, 2) that the law firms handling this case may petition the Court for an award of fees and costs to be paid by Defendants, 3) that the fees ultimately retained by the attorneys will be either the amount of fees received from the Defendants as approved by the Court or 1/3 of the total settlement or judgment amount, whichever is greater, 4) fees and costs will be deducted on a pro rata basis from all Plaintiffs' and class members' awards, and 5) if the case is not successful, I will not be obligated to pay any fees or costs.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Name exactly as it appears on company pay statements  
(if different): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email : \_\_\_\_\_

## **INSTRUCTIONS FOR DELIVERING A COMPLETED FORM TO US:**

To participate in this case and be represented by Getman Sweeney & Dunn, PLLC and any associated firms, please submit either an e-signed Consent to Sue, or deliver a hard copy to us by one of the following means:

By Mail: Getman, Sweeney & Dunn, PLLC, 260 Fair St., Kingston, NY 12401

By Fax: 866-543-9619

By E-mail: [cmow@getmansweeney.com](mailto:cmow@getmansweeney.com)

This Consent to Sue is not valid and effective until filed with the Court. We will confirm to you that it has been received and has been filed with the Court within 3 weeks. This will ensure that no errors in transmission or lost mail occurred. Therefore, if you have not received a receipt within 3 weeks from your transmission of the form to us, you must contact the firm by phone at 845-255-9370.