

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

**RUSSELL LONG and JOHN SILVA,
Individually and on behalf of all others
similarly situated,**

Plaintiffs,

v.

AES DRILLING FLUIDS, LLC,

Defendant.

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DOCKET NO. _____

RULE 23 CLASS ACTION

CLASS ACTION COMPLAINT

I. SUMMARY

1. Russell Long (“Long”) and John Silva (“Silva”) (collectively, “Plaintiffs”) bring this class action lawsuit against AES Drilling Fluids, LLC (“AES”) to recover unpaid overtime wages and other damages under the Ohio Minimum Fair Wage Standards Act, O.R.C. §§4111 *et seq.*, (“the Ohio Wage Act”), the Ohio Prompt Pay Act (“OPPA”), Ohio Rev. Code §4113.15 (the Ohio Wage Act and the OPPA will be referred to collectively as “the Ohio Acts”), and the Pennsylvania Minimum Wage Act (“PMWA”), 43 Pa. Stat. Ann. § 333.104. Plaintiffs also bring individual claims under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”).

2. Plaintiffs worked for AES as Mud Engineers,¹ were paid a salary, worked in excess of 40 hours a week, and were not paid overtime compensation. Plaintiffs worked with numerous individuals who performed similar job duties and were subjected to the same illegal compensation practices which denied Plaintiffs overtime as required by the Ohio Wage Acts and PMWA. The

¹ Mud Engineers are also sometimes referred to as Drilling Fluid Engineers. As used in this Complaint, the term “Mud Engineer” is intended to refer to both titles.

Ohio Acts and PMWA require employees who perform technical and manual labor job duties to be paid overtime for all hours worked in excess of 40 in a single workweek. This class action seeks to recover the unpaid overtime wages and other damages owed to these workers who worked for AES in the Commonwealth of Pennsylvania and Ohio.

II. JURISDICTION AND VENUE

3. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action involves a federal question under the FLSA. 29 U.S.C. § 216(b). Additionally, this Court has supplemental jurisdiction over the Pennsylvania state law claims pursuant to 28 U.S.C. § 1367 because they arise from a common nucleus of operative facts.

4. Venue is proper under 28 U.S.C. §§ 1391 (b) and (c) because AES resides in this District and Division with offices in Canonsburg, Pennsylvania and because a substantial part of the events giving rise to this claim occurred in this District and Division.

III. THE PARTIES

5. Long worked for AES as a Mud Engineer during the relevant statutory time period. Throughout his employment with AES, Long was paid a salary with no overtime compensation even though he regularly worked an excess of forty (40) hours in a week. Long's written consent is attached as Exhibit A.

6. Long is resident of and a citizen of the Commonwealth of Pennsylvania.

7. Long brings this action on behalf of himself and all other similarly situated Mud Engineers who worked for AES in the Commonwealth of Pennsylvania without receiving overtime for hours worked in excess of forty (40) in a workweek (the "PMWA Class"). AES subjected the PMWA Class to the same PMWA violations as Long.

8. The PMWA Class is therefore properly defined as:

All current and former Mud Engineers working as employees for AES Drilling Fluids, LLC in the Commonwealth of Pennsylvania during the past three (3) years.

The members of the PMWA Class are easily ascertainable from AES's business records, particularly personnel records.

9. Silva worked for AES as a Mud Engineer during the relevant statutory time period. Throughout his employment with AES, Silva was paid a salary with no overtime compensation even though he regularly worked an excess of forty (40) hours in a week. Silva's written consent is attached as Exhibit B.

10. During his employment, Silva did work for AES in Ohio.

11. Silva brings this action on behalf of himself and all other similarly situated Mud Engineers who worked for AES in the State of Ohio without receiving overtime for hours worked in excess of forty (40) in a workweek (the "Ohio Wage Act Class"). AES subjected the Ohio Wage Act Class to the same Ohio Wage Act violations as Silva.

12. The Ohio Wage Act Class is therefore properly defined as:

All current and former Mud Engineers working as employees for AES Drilling Fluids, LLC in the State of Ohio during the past three (3) years.

13. The members of the Ohio Wage Act Class are easily ascertainable from AES's business records, particularly personnel records.

14. AES Drilling Fluids, LLC may be served through its registered agent: **CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.**

IV. COVERAGE UNDER THE FLSA

15. At all times hereinafter mentioned, AES has been an employer within the meaning of the Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

16. At all times hereinafter mentioned, AES has been part of an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

17. At all times hereinafter mentioned, AES has been part of an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. § 203(s)(1), in that said enterprise has and has had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has had and has an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated).

18. At all times hereinafter mentioned, Plaintiffs was engaged in commerce or in the production of goods for commerce.

V. FACTS

19. Formed in 2006, AES is now a subsidiary of Canadian Energy Services. See <http://www.canadianenergyservices.com/divisions>.

20. Over the past few years, AES acquired Fluids Management, Champion Drilling Fluids, Mega Fluids – Mid Continent, and Venture Mud, to make it one of the largest drilling fluids companies in North America. See <http://aesfluids.com/>.

21. AES operates throughout the United States, including Pennsylvania and Ohio.

22. AES provides products and services for complex subsurface conditions drilling with techniques such as horizontal, directional, geologically deep, and offshore drilling. See http://aesfluids.com/company_profile.html.

23. Many AES employees are Mud Engineers. According to AES, “Mud engineer” is

the name given to an oil field service company individual who is charged with maintaining a drilling fluid or completion fluid system on an oil and/or gas drilling rig. This individual typically works for the company selling the chemicals for the job and is specifically trained with those products, though independent mud engineers are still common. AES employs qualified and experienced mud engineers throughout its entire organization.” *See* http://aesfluids.com/drilling_fluids.html.

24. Plaintiffs and members of the PMWA Class and Ohio Wage Act Class worked for AES in the Commonwealth of Pennsylvania and/or Ohio over the past three years as Mud Engineers.

25. Plaintiffs and members of the PMWA Class and Ohio Wage Act Class were subjected to the same illegal pay practice for similar work.

26. Specifically, AES paid Plaintiffs and members of the PMWA Class and Ohio Wage Act Class a salary and/or day rate, regardless of the number of hours that they worked each day (or in a workweek), and failed to provide them with overtime pay for hours that they worked in excess of forty (40) hours in a workweek.

27. Plaintiffs’ primary job duties (and the primary job duties of the PMWA Class and Ohio Wage Act Class) included technical and manual labor duties such as collecting gas and oil samples, performing sample descriptions, and gathering, processing, and monitoring information related to drilling operations.

28. AES typically scheduled Plaintiffs and members of the PMWA Class and Ohio Wage Act Class to work twelve (12) hour shifts, seven (7) days a week, but often required them to work more.

29. Plaintiffs and members of the PMWA Class and Ohio Wage Act Class routinely

worked in excess of forty (40) hours each week.

30. The job duties performed by Plaintiffs and members of the PMWA Class and Ohio Wage Act Class were routine and largely governed by standardized plans, procedures, and checklists created by AES and/or AES's clients.

31. Virtually every job function was pre-determined by AES and its clients, including the tools to use at a job site, the data to compile, the schedule of work, and related work duties.

32. AES prohibited Plaintiffs and members of the PMWA Class and Ohio Wage Act Class from varying their job duties outside of the pre-determined parameters.

33. As the controlling law makes clear, AES's drilling fluids employees are non-exempt under the FLSA, Ohio Wage Act, and PMWA overtime payment requirements. Therefore, AES owes back overtime wages to Plaintiffs, individually, and to the all members of the PMWA Class and Ohio Wage Act Class.

VI. FLSA VIOLATIONS

34. As set forth herein, AES violated the FLSA by failing to pay Plaintiffs overtime for hours worked in excess of forty (40) in a workweek. 29 U.S.C. § 207(a).

35. AES knowingly, willfully, or in reckless disregard carried out this illegal pattern and practice of failing to pay Plaintiffs overtime compensation. AES's failure to pay overtime compensation to Plaintiffs was neither reasonable, nor was the decision not to pay overtime made in good faith.

36. Accordingly, Plaintiffs are entitled to overtime wages under the FLSA in an amount equal to 1 and ½ times their regular rate of pay, plus liquidated damages, attorney's fees and costs.

**VII. CLASS ACTION ALLEGATIONS
(PMWA)**

37. AES is subject to the overtime requirements of the PMWA because AES is an employer under 43 P.S. § 333.103(g).

38. During all relevant times, Long and the PMWA Class were covered employees entitled to the above-described PMWA's protections. See 43 P.S. § 333.103(h).

39. AES's compensation scheme that is applicable to Long and the PMWA Class failed to comply with either 43 P.S. § 333.104(c) or 34 Pa. Code § 231.43(b).

40. Long's claims under the PMWA may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure. The Mud Engineers who worked for AES in Pennsylvania have a well-defined community of interest and they are readily ascertainable. Moreover, the requirements of Rule 23 are met with respect to each subclass.

41. Numerosity: Upon information and belief, AES has employed more than 30 Mud Engineers in Pennsylvania in the past three years. These workers reside in a number of different states. Further, many of the Mud Engineers are current employees who may be reluctant to come forward because of fears of retaliation. Therefore, the joinder of all class members is impractical.

42. Commonality: The common issues of fact and law regarding the legality of AES's pay scheme predominate over any other issues in this case.

43. Typicality: Long's claims are typical of the claims of the other Mud Engineers who worked for AES. Long alleges a common course of conduct (no overtime pay) that resulted in violations of the PMWA. Long and the other Mud Engineers have no antagonism or material conflicts.

44. Adequacy: Long will fairly and adequately represent and protect the interests of the Mud Engineers employed in Pennsylvania. Long is willing and able to vigorously prosecute

this action on behalf of the PMWA Class, and has retained competent counsel experienced in class action litigation.

45. Certification of the PMWA claims is appropriate under FRCP 23(b)(3) because questions of law and fact common to these classes predominate over any questions affecting only individual members of either class. In fact, AES's payment scheme violates the PMWA with respect to each PMWA Class member for precisely the same reason. The damages suffered by the individual Mud Engineers employed in Pennsylvania are small compared to the expense of individual prosecution of this litigation. In addition, class certification is superior because it will obviate the need for unduly duplicative litigation that might result in inconsistent judgments about AES's practices.

**VIII. CLASS ACTION ALLEGATIONS
(OHIO WAGE ACT)**

46. Silva's claims under the Ohio Wage Act may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure. The Mud Engineers who worked for AES in Ohio have a well-defined community of interest and they are readily ascertainable. Moreover, the requirements of Rule 23 are met with respect to each subclass.

47. Numerosity: Upon information and belief, AES has employed more than 30 Mud Engineers in Ohio in the past three years. These workers reside in a number of different states. Further, many of the Mud Engineers are current employees who may be reluctant to come forward because of fears of retaliation. Therefore, the joinder of all class members is impractical.

48. Commonality: The common issues of fact and law regarding the legality of AES's pay scheme predominate over any other issues in this case.

49. Typicality: Silva's claims are typical of the claims of the other Mud Engineers who worked for AES. Silva alleges a common course of conduct (no overtime pay) that resulted in

violations of the Ohio Wage Act. Silva and the other Mud Engineers have no antagonism or material conflicts.

50. Adequacy: Silva will fairly and adequately represent and protect the interests of the Engineers employed in Ohio. Silva is willing and able to vigorously prosecute this action on behalf of the Ohio Wage Act Class, and has retained competent counsel experienced in class action litigation.

51. Certification of the Ohio Wage Act claims is appropriate under FRCP 23(b)(3) because questions of law and fact common to these classes predominate over any questions affecting only individual members of either class. In fact, AES's payment scheme violates the Ohio Wage Act with respect to each Ohio Wage Act Class member for precisely the same reason. The damages suffered by the individual Mud Engineers employed in Ohio are small compared to the expense of individual prosecution of this litigation. In addition, class certification is superior because it will obviate the need for unduly duplicative litigation that might result in inconsistent judgments about AES's practices.

**IX. CLASS ACTION ALLEGATIONS
(UNJUST ENRICHMENT)**

52. AES has received and benefited from the uncompensated labors of Plaintiffs and members of the PMWA Class and Ohio Wage Act Class, such that to retain said benefit without compensation would be inequitable and rise to the level of unjust enrichment.

53. At all relevant times hereto, AES devised and implemented a plan to increase its earnings and profits by fostering a scheme of securing work from Plaintiffs and members of the PMWA Class and Ohio Wage Act Class without paying overtime compensation for all hours worked.

54. Contrary to all good faith and fair dealing, AES induced Plaintiffs and members of the PMWA Class and Ohio Wage Act Class to perform work while failing to pay overtime compensation for all hours worked as required by law.

55. By reason of having secured the work and efforts of Plaintiffs and members of the PMWA Class and Ohio Wage Act Class without paying overtime compensation as required by law, AES enjoyed reduced overhead with respect to its labor costs, and therefore realized additional earnings and profits to its own benefit and to the detriment of Plaintiffs and members of the PMWA Class and Ohio Wage Act Class. AES retained and continues to retain such benefits contrary to the fundamental principles of justice, equity, and good conscience.

56. Accordingly, Plaintiffs and members of the PMWA Class and Ohio Wage Act Class are entitled to judgment in an amount equal to the benefits unjustly retained by AES.

X. RELIEF SOUGHT

57. WHEREFORE, Plaintiffs pray for judgment against AES as follows:

- a. An Order certifying a Rule 23 class action on behalf of all Mud Engineers who worked for AES in Pennsylvania;
- b. An Order certifying a Rule 23 class action on behalf of all Mud Engineers who worked for AES in Ohio;
- c. Judgment awarding Plaintiffs unpaid back wages and for liquidated damages equal in amount to the unpaid compensation found due to Plaintiffs;
- d. Judgment awarding Long and the PMWA Class all unpaid overtime and other damages available under the PMWA;
- e. For an Order awarding Silva and the Ohio Wage Act Class all unpaid

- overtime and other damages available under the Ohio Wage Act;
- f. For an Order awarding Long and the PMWA Class their costs of this action;
 - g. For an Order awarding Silva and the Ohio Wage Act Class their costs of this action;
 - h. For an Order awarding Long and the PMWA Class their reasonable attorneys' fees and expenses as provided by the FLSA and PMWA;
 - i. For an Order awarding Silva and the Ohio Wage Act Class their reasonable attorneys' fees and expenses as provided by the FLSA and Ohio Wage Act;
 - j. Pre- and post-judgment interest at the highest rate allowable by law; and
 - k. All such other and further relief to which Plaintiffs and the other Mud Engineers may show themselves to be justly entitled.

Respectfully submitted,

By: /s/ Joshua P. Geist

Joshua P. Geist

PA. I.D. No. 85745

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ATTORNEYS IN CHARGE FOR PLAINTIFFS

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

RUSSELL LONG and JOHN SILVA, individually and on behalf of all others similarly situated,

(b) County of Residence of First Listed Plaintiff Clinton County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Joshua P. Geist; Goodrich & Geist, P.C.; 3634 California Avenue, Pittsburgh, PA 15212; Telephone 412-766-1455; josh@goodrichandgeist.com

DEFENDANTS

AES DRILLING FLUIDS, LLC

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332(d)(2)
Brief description of cause: Unpaid overtime compensation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 04/18/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Joshua P. Geist

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44AREVISED June, 2009
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. This case is related to Number _____ . Short Caption _____
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. CIVIL CATEGORY (Place **x** in only applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

/s/ Joshua P. Geist

Date: 03/01/2017

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT A

CONSENT TO JOIN WAGE CLAIM

Print Name: Russell Long

1. I hereby consent to participate in a collective action lawsuit against AES Drilling Fluids to pursue my claims of unpaid overtime during the time that I worked with the company.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act, and consent to be bound by the Court's decision.
3. I designate the law firm and attorneys at FIBICH, LEEBRON, COPELAND, BRIGGS & JOSEPHSON as my attorneys to prosecute my wage claims.
4. I authorize the law firm and attorneys at FIBICH, LEEBRON, COPELAND, BRIGGS & JOSEPHSON to use this consent to file my claim in a separate lawsuit, class/collective action, or arbitration against the company.

Signature:  Russell Long (Sep 7, 2016)


Date Signed: Sep 7, 2016

EXHIBIT B

CONSENT TO JOIN WAGE CLAIM

Print Name: John Alexander silva

1. I hereby consent to participate in a collective action lawsuit against AES Drilling Fluids to pursue my claims of unpaid overtime during the time that I worked with the company.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act, and consent to be bound by the Court's decision.
3. I designate the law firm and attorneys at FIBICH, LEEBRON, COPELAND, BRIGGS & JOSEPHSON as my attorneys to prosecute my wage claims.
4. I authorize the law firm and attorneys at FIBICH, LEEBRON, COPELAND, BRIGGS & JOSEPHSON to use this consent to file my claim in a separate lawsuit, class/collective action, or arbitration against the company.

Signature:  John Alexander Silva (Nov 1, 2016)

Date Signed: Nov 1, 2016

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

RUSSELL LONG and JOHN SILVA, individually and on behalf of all others similarly situated

Plaintiff(s)

v.

AES DRILLING FLUIDS, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) AES DRILLING FLUIDS, LLC
By and through its registered agent:
CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joshua P. Geist, Goodrich & Geist, PC, 3634 California Ave., Pittsburg, PA 15212

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

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