

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Cindy Ginter, Annemarie Rogers, and Lisa
Kaufman on behalf of themselves and those
similarly situated,

Plaintiffs,

1:12-cv-00008-M-DLM

v.

RBS Citizens, N.A., d/b/a CCO Mortgage,
Charter One, and Citizens Bank,

Defendant.

ORDER GRANTING PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION

THIS CASE coming on for motion hearing before the Honorable John J. McConnell, Jr., U.S.D.J., on September 10, 2012, to address Plaintiffs' Motion for Conditional Certification pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b); the Plaintiffs being represented by Plaintiffs' Counsel Paul J. Lukas, Timothy C. Selander, and Charles S. Kirwan, and Defendant being represented by Defendant's Counsel Sarah E. Bouchard, Todd S. Holbrook, and Lauren E. Marzullo;

AND THE COURT, having considered the parties' oral arguments and having read all papers submitted by the parties in support and in opposition to Plaintiffs' motion now makes the following:

1. Plaintiffs filed this lawsuit asserting claims under the FLSA and the state laws of Pennsylvania on January 9, 2012. Plaintiffs brought their claims on behalf of themselves and all other similarly situated individuals who worked for Defendant as Mortgage Loan Officers.

2. On May 21, 2012, Plaintiffs filed a motion for Conditional Certification, asking the Court to conditionally certify a class of Defendant's Mortgage Loan Officers employed

within the last three years. Defendant filed its objections to Plaintiffs' motion on July 9, 2012. Plaintiffs' filed their reply brief on July 18, 2012.

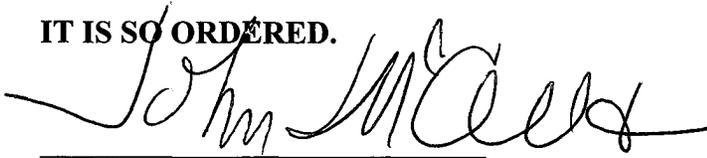
NOW, THEREFORE, AS ARTICULATED ON THE RECORD ON SEPTEMBER 10, 2012, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

3. Plaintiffs' motion for Conditional Certification is GRANTED.
4. The Court conditionally certifies the following class:

All Mortgage Loan Officers employed by Defendant from September 10, 2009 to April 15, 2012.
5. The Court orders the parties to meet and confer on the content of the notice, and to file a joint proposed notice by September 17, 2012. If the parties are unable to reach an agreement on the form of the notice, the parties may separately file their proposed notices by September 17, 2012. The Court will select one of the proposals, and will not attempt to merge them in any way.
6. The Court finds that a 90-day notice period is reasonable.
7. The Court authorizes Plaintiffs' counsel to mail the Court-approved notice to all class members by first-class mail. Plaintiffs' counsel is permitted to send the notice to each class member once by first-class mail. In the event that a notice sent by first-class mail is returned to Plaintiffs' counsel as "undeliverable," Plaintiffs' counsel may search for an updated address and resend the notice.
8. The Court also authorizes Plaintiffs' counsel to email the Court-approved notice to all class members no longer employed by Defendant. Plaintiffs' counsel is permitted to email the notice to each class member once.

9. Defendant is ordered to produce to Plaintiffs' counsel a list in Microsoft Excel format containing each class member's full name, last-known address, last known personal email address (for former employees only), employee identification number, and dates of employment as a MLO by September 19, 2012.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

Hon. John J. McConnell, Jr.
United States District Court Judge

Date: September 17th, 2012

NOTICE OF COLLECTIVE ACTION LAWSUIT

TO: All current and former Mortgage Loan Officers employed by RBS Citizens, N.A. d/b/a Charter One and Citizens Bank at any time between September 21, 2009 and April 15, 2012.

RE: RBS Citizens d/b/a Charter One and Citizens Bank–Fair Labor Standards Act Litigation

PLEASE READ THIS NOTICE CAREFULLY

I. INTRODUCTION

The purpose of this Notice is to inform you of the existence of a collective action lawsuit and your option to elect to participate in the lawsuit. This lawsuit was brought in the United States District Court for the District of Rhode Island and is only in the early pretrial stages. The right to recovery is not established and is not certain. You are not required to join this lawsuit, and your decision to participate in this lawsuit does not guarantee that you will receive money.

This Notice has been judicially approved. The Court, however, has not made any rulings or determinations of any kind on whether the Plaintiffs or Defendants are right, and this Notice should not be interpreted in any way as any indication of the Court's views of the merits of the Plaintiffs' claims or how the Court may rule on any issue in the future.

II. DESCRIPTION OF THE LAWSUIT

In January 2012, Cindy Ginter, Annemarie Rogers, and Lisa Kaufman ("Plaintiffs") filed this lawsuit against Defendant RBS Citizens, N.A. d/b/a Charter One and Citizens Bank ("RBS Citizens") on behalf of themselves and other Mortgage Loan Officers ("MLOs") who were employed by RBS Citizens since January 2009. The lawsuit alleges, among other things, that Plaintiffs and other MLOs should have been classified as non-exempt employees and eligible for overtime compensation. This lawsuit seeks to recover overtime wages, liquidated damages, and attorneys' fees. Defendant denies Plaintiffs' allegations and maintains that MLOs were properly classified as overtime exempt employees.

III. DEFINITION OF THE COLLECTIVE

Plaintiffs seek to sue on behalf of themselves, as well as other present and former MLOs who were employed by RBS Citizens since September 21, 2009. If you received a copy of this notice in an envelope specifically addressed to you, RBS Citizens' records indicate that you may fit the above definition.

IV. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

It is entirely your own decision whether or not to join this lawsuit. You are not required to take any action unless you so desire. You may join this lawsuit by mailing a completed and signed "Plaintiff Consent Form" in the enclosed pre-paid envelope or by otherwise sending the Plaintiff Consent Form to Plaintiffs' counsel at the following address:

Nichols Kaster, PLLP c/o Tim C. Selander
4600 IDS Center, 80 S. 8th Street
Minneapolis, MN 55402
Toll Free Telephone: (877) 448-0492
Fax: (612) 338-4878
Email: selander@nka.com

This form must be returned postmarked by **December 20, 2012**. If you fail to return the Plaintiff Consent Form by the deadline, you will not be able to participate in the lawsuit, and you will not be eligible to participate in any recovery that may be obtained by the lawsuit. If you file a Plaintiff Consent Form, your continued right to participate in the lawsuit may depend upon later decisions by the Court concerning the appropriateness of a collective action and whether you are similarly situated to other participants and other matters.

V. EFFECT OF JOINING THIS LAWSUIT

If you do choose to join this action, you will be bound by any ruling, judgment, award or settlement, whether favorable or unfavorable. That means, if Plaintiffs (and others who choose to join them) win, you may be eligible to receive a payment; if they lose, no money will be awarded, and you may not be able to file another lawsuit regarding the disputed hours of work and amount of wages paid.

You should also understand that, if you join this lawsuit, you may be required to participate in the lawsuit by, among other things, producing documents, answering written questions, and testifying under oath at a deposition or at trial.

VI. NO RETALIATION PERMITTED

If you join this lawsuit, federal law prohibits RBS Citizens from retaliating against you as a result of your participation.

VII. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this lawsuit, your interests will be represented by the following attorneys:

Paul J. Lukas and Tim C. Selander
Nichols Kaster, PLLP
4600 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Toll-Free Telephone: (877) 448-0492
Fax: (612) 215-6870
Email: selander@nka.com
Web: www.nka.com

Brendan Donelon
Donelon, P.C.
802 Broadway, 7th Floor
Kansas City, MO 64105

Charles S. Kirwan
Charles S. Kirwan, Attorney at Law
250-F Centerville Road
Warwick, RI 02886

Peter Winebrake and R. Andrew Santillo
Winebrake & Santillo, LLC
715 Twining Road
Dresher, PA 19025

**THIS NOTICE HAS BEEN AUTHORIZED BY UNITED STATES DISTRICT JUDGE
JOHN J. MCCONNELL OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF RHODE ISLAND.**

**THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF
PLAINTIFFS' CLAIMS OR DEFENDANTS' DEFENSES.**

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

**RBS CITIZENS, N.A. d/b/a
CITIZENS BANK AND CHARTER ONE MORTGAGE**

PLAINTIFF CONSENT FORM

1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. against my current/former employer, RBS Citizens, N.A. d/b/a Citizens Bank and/or Charter One Mortgage ("RBS Citizens, N.A.") to recover overtime pay.
2. During the past three years, there were occasions when I worked over 40 hours per week as a mortgage loan officer for RBS Citizens, N.A., and did not receive proper compensation for all of my hours worked, including overtime pay.
3. I understand that I may withdraw my consent to proceed with my claims at any time by notifying the attorneys handling the matter.

Date: _____

Signature

Print Name

No Information Entered Below Will Be Filed With The Court. Please Print or Type.

Address: _____

City, State Zip: _____

Best Phone Number(s): _____

Email: _____

Return this form by **Nichols Kaster, PLLP, Attn: Tim C. Selander**
fax, email or mail to: **Fax: (612) 338-4878**
Email: selander@nka.com
Address: 4600 IDS Center, 80 S. 8th St., Minneapolis, MN 55402
Web: www.nka.com

THIS FORM MUST BE RECEIVED BY DECEMBER 20, 2012