

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA CIVIL
ACTION – LAW

JAMES C. KING, on behalf of himself)
and all others similarly situated,)
Plaintiffs,)
v.)
GLENN O. HAWBAKER, INC.,)
Defendant.)

No. 2021-0957

Attorneys for Plaintiffs:

Michael D. Donovan, Esq.
Andrew J. Shubin, Esq.
Eric Lechtzin, Esq.
Marc H. Edelson, Esq.

Attorneys for Defendant:

Colin D. Dougherty, Esq.
Beth Weissner, Esq.
Erika M. Page, Esq.

Grine, P.J.

ORDER

AND NOW, this 13 day of June, 2025, the Court having granted Plaintiff's Cross-Motion to Extend the Certified Class Period Back to January 1, 2012 under separate Order, the action shall be maintained as a class action in accordance with Pennsylvania Rules of Civil Procedure 1701 *et. seq.*, pursuant to the following findings of fact and conclusions of law:

1. The "Class" is defined as:

"All current and former hourly wage employees who worked on prevailing wage contracts at Glenn O. Hawbaker, Inc. ("GOH") in the Commonwealth of Pennsylvania during the period January 1, 2012 through December 31, 2018 (the "Class Period")".

2. The Class is so numerous that joinder is not practicable. The original class consisted of at least 1,262 hourly wage employees who worked on prevailing wage contracts at GOH in

Pennsylvania. Additional discovery has shown that at least 712 hourly wage employees worked on prevailing wage contracts during the period from January 1, 2012 through September 15, 2015.

3. There are questions of law or fact common to the Class, including the following:
 - a. Whether GOH engaged in a common pattern, scheme, practice or course of conduct that shorted prevailing wage workers of the wages and fringe benefits earned and owed during the Class Period;
 - b. Whether GOH engaged in a common pattern, scheme, practice or course of conduct to breach its contract with Plaintiff and the Class to pay the prevailing wage as promised in the form of actual wages and fringe benefits;
 - c. Whether GOH engaged in a common pattern, scheme, practice or course of conduct to violate the Pennsylvania Wage Payment and Collection Law by failing to timely pay all wages and benefits earned and owed during the Class Period to Plaintiff and the Class members;
 - d. Whether the claims of Plaintiff and the Class members are barred by the statute of limitations, or whether the statutes of limitations had been tolled under the umbrella principles of equitable tolling, including fraudulent concealment, discovery tolling, and other equitable tolling, such as third-party beneficiary tolling resulting from the tolling agreement entered into between GOH and the Office of Attorney General (“OAG”);
 - e. Whether GOH failed to keep true and accurate records for all the hours worked by, and all wages and benefits owed to, Plaintiff and the Class members in violation of Pennsylvania and federal law;

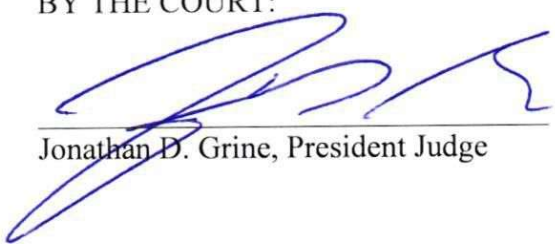
- f. Whether Plaintiff and the Class members have suffered damages and the measure thereof; and
 - g. Whether GOH can prove by clear and convincing evidence that it had a good faith basis for failing to timely pay all prevailing wages owed to Plaintiff and the Class as required by law.
- 4. The claims of Plaintiff King are typical of the claims of the Class. Plaintiff King was a prevailing wage worker during the Class Period. Plaintiff King alleges he sustained damages and continues to sustain damages, along with the other Class members, as a result of GOH's alleged practice of shorting prevailing wage workers of promised wages and fringe benefits.
- 5. Plaintiff will fairly and adequately protect the interests of the Class and is represented by counsel who are experienced in complex class action litigation.
- 6. The questions of law or fact common to the Class members predominate over any questions affecting only individual members. GOH alleges they have followed uniform practices and procedures with respect to the payment of wages, including fringe benefits, to all members of the Class during the Class Period.
- 7. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class, which would confront GOH with incompatible standards of conduct.
- 8. This Court is an appropriate forum for the litigation of the claims of the Class.
- 9. In view of the complexities of the issues and expenses of litigation, the separate claims of individual Class members are not sufficient in amount to support separate actions.

10. The amount which may be recovered by individual Class members is modest in relation to the expense and effort of proceeding with individual lawsuits, thus making a class action proceeding more economical.
11. Inasmuch as a distribution of criminal remedies has been made to the Class in the OAG's action against GOH, and inasmuch as Plaintiff has presented an expert report demonstrating that GOH's payroll records may also be used to calculate and distribute civil remedies to all Class members, there will be no difficulty in the management of this action as a class action.
12. The Wage Payment and Collection Law ("WPCL") expressly contemplates class proceedings for claims of this sort: "Any employee or group of employees, . . . to whom any type of wages is payable may institute actions provided under this act." 43 P.S. § 260.9a(a).

The Court further ORDERS the following:

1. Plaintiff James C. King is certified as Class Representative.
2. Michael D. Donovan of Donovan Litigation Group, LLC shall serve as Lead Class Counsel, and Andrew J. Shubin of Shubin Law Office and Eric Lechtzin of Edelson Lechtzin LLP shall serve as additional Class Counsel.
3. Plaintiff shall submit to the Court a proposed form of notice to the Class within twenty (20) days of the date of this Order. The parties shall promptly confer in an effort to agree upon suitable notice. Within twenty (20) days, GOH shall provide to Class Counsel in computer readable form with the last and best known address(es) of each person meeting the definition of the Class, as set forth above.

BY THE COURT:



Jonathan D. Grine, President Judge