

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Tyger v. Precision Drilling Corp.

Tyger · No. No. 4:11-CV-01913 · Decided December 17, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Plaintiffs’ motion to amend their complaint to add claims under Pennsylvania’s Minimum Wage Act and Wage Payment and Collection Law. The court concludes that the delay was not undue, the proposed amendment was not futile, and Defendants would not suffer sufficient prejudice, although it orders Plaintiffs to provide a more definite statement concerning the proposed Rule 23 class action. The court also declines to reject supplemental jurisdiction over the Pennsylvania-law claims at this stage.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 17, 2025
DOCKET	No. 4:11-CV-01913
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 15(a)(2) to amend their complaint to add Pennsylvania Minimum Wage Act and Wage Payment and Collection Law claims arising from the same work underlying their Fair Labor Standards Act claim. The court granted the motion and ordered a more definite statement of the proposed class allegations.
STANDARD OF REVIEW	Abuse of discretion governs the decision whether to grant or deny leave to amend; amendment standards under Rules 15(a)(2) and, if applicable, 16(b)(4) were applied.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive authority only
PARTIES	Rodney Tyger, et al. v. Precision Drilling Corp., et al.

TOPICS

motion to amend

class actions

wage and hour

flsa

civil procedure

PRACTICE AREAS

civil procedure

employment law

wage and hour

class actions

QUESTIONS PRESENTED

1. Whether plaintiffs demonstrated sufficient diligence and lack of undue delay to amend the complaint under Rules 15(a)(2) and, alternatively, 16(b)(4).
2. Whether adding Pennsylvania wage-law claims would be futile because the proposed class allegations were inadequately pleaded, the FLSA opt-in plaintiffs could not pursue individual Pennsylvania claims in the same action, or supplemental jurisdiction should be declined.
3. Whether allowing the amendment would unduly prejudice defendants through additional discovery, class-certification proceedings, or delay.
4. Whether the proposed Rule 23 class allegations required a more definite statement.

HOLDINGS

1. Plaintiffs' delay in seeking amendment was not undue because the amendment became reasonably possible only after Heimbach, and plaintiffs adequately explained the timing during summary-judgment, appellate, certiorari, stay, and settlement proceedings. The same reasons established good cause under Rule 16(b)(4) if that rule applied.
2. The proposed Pennsylvania wage-law claims were not futile merely because the proposed Rule 23 class allegations did not fully identify the Rule 23(a) elements, class definition, or Rule 23(b) theory. Challenges to class sufficiency at the pleading stage are generally premature unless the impossibility of class treatment is evident from the complaint and incontrovertible facts.
3. The named plaintiffs may pursue Pennsylvania Minimum Wage Act claims individually regardless of whether a class is certified. Defendants' undeveloped argument that all FLSA opt-in plaintiffs could not pursue individual Pennsylvania claims in one action did not establish futility, and any joinder objection could be raised through an appropriate motion to remove parties rather than as a basis to deny amendment.
4. The present facts did not warrant declining supplemental jurisdiction over the proposed Pennsylvania wage-law claims. The differences between the FLSA and Pennsylvania claims did not present novel and complex state-law issues, and defendants did not show that the state-law class would predominate over the FLSA collective action.
5. The potential need for additional discovery, class-certification proceedings, and delay did not outweigh Rule 15(a)(2)'s presumption favoring amendment. The motion to amend was therefore granted.

KEY QUOTATIONS

“The mere passage of time does not require that a motion to amend a complaint be denied on grounds of delay. In fact, delay alone is an insufficient ground to deny leave to amend.” (Section III.A)

“A court should grant a motion to strike class allegations only if the inappropriateness of class treatment is evident from the face of the complaint and from incontrovertible facts.” (Section III.B)

“prejudice to the nonmoving party is the touchstone for the denial of the amendment.” (Section III.C)

FACTUAL BACKGROUND

Plaintiffs are pursuing overtime compensation from Precision Drilling and its subsidiaries for time allegedly spent donning and doffing personal protective equipment and walking between job-site locations. The existing action is an FLSA collective action, and discovery and extensive summary-judgment and appellate proceedings have already occurred. Plaintiffs sought to add Pennsylvania wage-law claims after the Pennsylvania Supreme Court's decision in *Heimbach v. Amazon.com, Inc.*, which held that the Pennsylvania Minimum Wage Act lacks de minimis and portal-to-portal exceptions.

PROCEDURAL HISTORY

Plaintiffs filed the action in 2011 as an FLSA collective action concerning compensation for donning and doffing personal protective equipment and walking between job-site locations. The district court granted defendants' motions for summary judgment on liability in 2019 and again in 2022; the Third Circuit reversed and remanded both decisions. After the Supreme Court denied defendants' petition for a writ of certiorari from the second Third Circuit decision, plaintiffs moved to amend the complaint. The district court granted leave to amend, subject to a more definite statement concerning the proposed Rule 23 class.

DISPOSITION

other

CASES CITED

- *Premier Comp. Sols., LLC v. UPMC*, 970 F.3d 316, 319 (3d Cir. 2020)
- *Spartan Concrete Prods., LLC v. Argos USVI, Corp.*, 929 F.3d 107, 115-16, 122 (3d Cir. 2019)
- *Cureton v. Nat'l Coll. Ath. Ass'n*, 252 F.3d 267, 273-74 (3d Cir. 2001)
- *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985)
- *Heimbach v. Amazon.com, Inc.*, 255 A.3d 191 (Pa. 2021)
- *De Ascencio v. Tyson Foods, Inc.*, 342 F.3d 301, 305, 307-12 (3d Cir. 2003)
- *Knepper v. Rite Aid Corp.*, 675 F.3d 249, 261-62 (3d Cir. 2012)
- *Weitzner v. Sanofi Pasteur Inc.*, 909 F.3d 604, 611 (3d Cir. 2018)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Peruto v. TimberTech Ltd.*, 126 F. Supp. 3d 447, 453, 459 (D.N.J. 2015)
- *Alston v. Parker*, 363 F.3d 229, 234 n.7 (3d Cir. 2004)
- *CMR D.N. Corp. v. City of Phila.*, 703 F.3d 612, 629-31 (3d Cir. 2013)
- *Adams v. Gould Inc.*, 739 F.2d 858, 868 (3d Cir. 1984)
- *Bonilla v. City of York, Pa.*, No. 14-CV-2238, 2016 WL 3165619, at *4 (M.D. Pa. June 7, 2016)

- Mullin v. Balicki, 875 F.3d 140, 151 (3d Cir. 2017)
- Rhodes v. Diamond, 433 F. App'x 78, 80 (3d Cir. 2011)

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