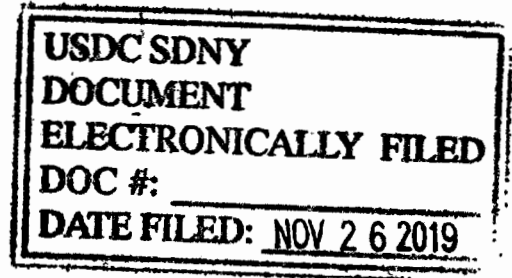


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
SHANGGANG FENG, *on his own behalf and on
behalf of others similarly situated,*

Plaintiff,

-against-

KELAI CORP. *doing business as* JEF CHINESE;
FAN YANG; JAY HUANG; LAN "DOE"; and QIN
"DOE",

Defendants.
-----X

MEMORANDUM DECISION
AND ORDER

18 Civ. 12329 (GBD)

GEORGE B. DANIELS, United States District Judge:

Plaintiff moves this Court for an order for conditional certification pursuant to the Fair Labor Standards Act, Court-authorized notice to similarly situated individuals, and disclosure of contact information for notice to potential opt-ins. (ECF No. 27.)

WHEREAS Plaintiff and the putative class of individuals having made an application to implement a court-supervised notification to the putative class members under 29 U.S.C. § 216(b);

WHEREAS this Court, having reviewed Plaintiff's Memorandum of Law in Support of Plaintiff's motion, Defendants' Memorandum of Law in Opposition to Plaintiff's motion, and Plaintiff's Reply in Support of Plaintiff's motion;

WHEREAS this Court finds that Plaintiffs and potential opt-in plaintiffs are similarly situated with respect to the allegations that the law has been violated; and

WHEREAS this Court hereby GRANTS Plaintiff's motion for collective action status under the Fair Labor Standards Act;

IT IS HEREBY ORDERED THAT:


1. Plaintiffs are authorized to issue a Notice of Pendency and Consent to Joinder form informing potential additional plaintiffs of the opportunity to opt into this lawsuit;
2. The proposed Notice of Pendency and Consent to Joinder form shall contain the following language: “Defendants deny Plaintiff’s allegations and contend that their employees have been paid appropriately”;
3. Plaintiffs shall not be required to include Defense Counsel’s contact information in the Notice of Pendency and Consent to Joinder;
4. Within 21 days of the entry of the Order, Defendants shall furnish to Plaintiff’s counsel a Microsoft Excel spreadsheet, which the parties will treat as confidential, containing any and all personal contact information in Defendants’ possession, including but not limited to first and last name, last known address with apartment number (if applicable), the last known telephone numbers, and last known e-mail addresses of all current and former non-exempt and non-managerial tipped and non-tipped employees and their periods of employment at any time from December 31, 2015 to the present, along with an Affidavit from Defendants certifying that the name list is complete from employment records (no Defendants or Named Plaintiff shall be included in this list);
5. Plaintiff is authorized to send notice to those individuals included on the Excel spreadsheet and is not limited to distributing this notice via only regular mail;
6. Defendants shall not be required to post the Notice of Pendency and Consent to Joinder form to their website or in their restaurant;
7. Plaintiff is authorized to publish the full opt-in notice on Plaintiff’s counsel’s website, and this website shall allow for electronic submission of the Consent to Join form and for potential opt-ins to contact Plaintiff’s counsel for more information;

8. Plaintiffs are not required to cause the Notice of Pendency and Consent to Joinder form to be made returnable to this Court;
9. The opt-out period shall run for a period of 60 days from the day of dissemination of the Notice of Pendency and Consent to Joinder form and its translation; and
10. The statute of limitations shall be tolled for 60 days until the expiration of the opt-in period.

All additional objections to the form and content of the Notice of Pendency and Consent to Joinder form are overruled. The Oral Argument scheduled for December 9, 2019 is cancelled. The Clerk of Court is directed to close this motion (ECF No. 27) accordingly.

Dated: New York, New York
November 26, 2019

SO ORDERED.



GEORGE B. DANIELS
United States District Judge