

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KENNETH CAMP, et al.,

Plaintiffs,

CASE NO. 2:10-cv-1270-MHH

v.

THE CITY OF PELHAM,

Defendant.

MEMORANDUM OPINION AND ORDER

The case comes before the court on plaintiffs' motions for class certification. Docs. 19, 27. On March 8, 2012, the magistrate judge granted plaintiffs' motion to toll the statute of limitations because some evidence indicated that potential class members were "being lied to regarding their rights in this lawsuit" and due to the court's delay in ruling on the class certification motion. Docs. 43, 49 at 2. Then on March 20, 2012, the magistrate judge filed two report and recommendations. First, the magistrate judge recommended that the court grant plaintiffs' motion for conditional certification under the Fair Labor Standards Act, docs. 19, 50, and that the court approve the proposed notice, doc. 19-6 at 2. Second, the magistrate judge recommended that the court grant plaintiffs' motion for certification under Federal Rules of Civil Procedure 23. Docs. 27, 51.

On March 21, 2012, defendant City of Pelham objected to the magistrate judge's order tolling the statute of limitations. Doc. 52. Then on March 30, 2012, defendant objected to both of the magistrate judge's report and recommendations. Docs. 53, 54.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendations and the objections filed by defendant City of Pelham, the court **ADOPTS** the magistrate judge's findings and **ACCEPTS** the magistrate judge's recommendations. Therefore, the court **OVERRULES** defendant's interposing objections to the magistrate judge's order tolling the statute of limitations and the magistrate judge's reports and recommendations.

As a result, the court **GRANTS** plaintiffs' motion to toll the statute of limitations, doc. 43, plaintiffs' motion for conditional certification under the Fair Labor Standards Act, doc. 19, and plaintiffs' motion for certification under Rule 23 of the Federal Rules of Civil Procedure, doc. 27, and **APPROVES** the plaintiffs' proposed notice, doc. 19-6 at 2.

As to the class conditionally certified under the Fair Labor Standards Act, the court **ORDERS** as follows:

- a) Defendant shall provide plaintiffs with the name and last known address of all potential plaintiffs who meet the class definition on or before February 28, 2013;

- b) Plaintiffs shall send the court-approved notice to potential class members on or before March 29, 2013;
- c) Any plaintiff that desires to opt in to this litigation shall do so on or before April 30, 2013; and
- d) The statute of limitations is TOLLED for prospective class members from November 22, 2010, and shall begin running again on April 30, 2013.

As to the class certified under Rule 23, the court ORDERS as follows:

- a) Defendant shall provide plaintiffs with the name and last known address of all potential plaintiffs who meet the class definition before February 28, 2013;
- b) Plaintiffs shall send notice to potential class members on or before March 29, 2013; and
- c) Any plaintiff that desires to opt out of this litigation shall do so on or before April 30, 2013.

Done this the 1st day of February, 2013.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE