

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

ROY MAYO, PATRICK ROBILIO,
and DUANE ROBERTS, Each
Individually and on Behalf of All
Others Similarly Situated

PLAINTIFFS

v.

No. 3:18-cv-128-DPM

CRITTENDEN COUNTY, ARKANSAS

DEFENDANT

ORDER

The Plaintiffs worked as deputy sheriffs for Crittenden County. They had the usual duties. *No. 9 at 6*. They now seek to conditionally certify a FLSA group that covers certain law enforcement officers employed since July 2015. The Plaintiffs say that the County didn't properly pay officers their owed overtime. The County argues that a similarly situated group doesn't exist because the Plaintiffs haven't offered any evidence about other potential group members. *No. 11 at 3*. In the alternative, the County seeks changes in the Plaintiffs' proposed notices and notice procedures.

The motion to conditionally certify, *No. 8*, is granted as modified. The Plaintiffs have met the lenient applicable standard: conditionally showing that a similarly situated group exists. *Helmert v. Butterball, LLC*, 2009 WL 5066759, at *3 (E.D. Ark. 15 Dec. 2009). The Plaintiffs don't have to offer evidence about each potential group member. At

this stage, plaintiffs must only make the modest factual showing—through pleadings and affidavits—that a violation harmed other members of the proposed group. *Garrison v. ConAgra Foods Packaged Food, LLC*, 2013 WL 1247649, at *2 (E.D. Ark. 27 Mar. 2013). Plaintiffs have done so. These County employees’ work was similar, and they were all subject to the same overtime policy. The Court therefore conditionally certifies this group:

All detective/investigators, sergeants of investigations, and patrol deputies, sergeants, and lieutenants employed after 17 July 2015.

The County must post notice in all its facilities. Notice to group members through text is fine. Notify members by mail only if no working cell number is available. One follow-up by postcard is fine, too. Do not enclose the pleadings with any notice. The County doesn’t have to provide email addresses, but it must provide all other contact information by 25 January 2019. The opt-in period will close on 9 April 2019.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

11 January 2019