

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

MARKIBA JOHNSON, RICK ABBOTT,
TIMOTHY DEAL, JAMES HALL,
JUAN LERMA, RICHARD PEARSON,
MICHAEL POPE and TREVOR POWELL,
EACH INDIVIDUALLY AND ON BEHALF
OF OTHERS SIMILARLY SITUATED,

Plaintiffs,

vs.

No. 4:09cv00739 SWW

FRAC TECH SERVICES, LTD.,

Defendant.

ORDER

Plaintiffs bring this collective action under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201 *et seq.*, against defendant Frac Tech Services, LTD (Frac Tech), on behalf of themselves and on behalf of all other Frac Tech employees, whether past, present or future, who are classified as hourly employees and non-exempt from the overtime requirements of the FLSA. With respect to the Notice of a Related Case [doc.#2] earlier filed by plaintiffs reporting that this case is related to another case currently pending before Chief Judge J. Leon Holmes, *Smith v. Frac Tech Services, Ltd*, 4:09cv00679 JLH (E.D. Ark), this Court, by Order entered December 7, 2009 [doc.#35], directed that plaintiffs and Frac Tech each file a pleading addressing whether, as claimed by plaintiffs, judicial economy requires that the two cases proceed before a single judge. Plaintiffs and Frac Tech both responded to the Court’s Order, with plaintiffs noting that they have filed a motion to consolidate in *Smith v. Frac Tech Services, Ltd*, 4:09cv00679 JLH (E.D.

Ark). Accordingly, this Court will defer to Chief Judge Holmes with respect to whether judicial economy requires that the two cases proceed before a single judge and thus should be consolidated.

IT IS SO ORDERED this 22nd day of December 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE