

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

JENNIFER PAIGE FISHER

PLAINTIFF

v.

4:11CV00571-BRW

**SHIONOGI PHARMA, INC.
d/b/a SHIONOGI INC.**

DEFENDANT

ORDER

Pending is the parties' Joint Motion to Stay Case and Toll Statute of Limitations (Doc. No 35). The Motion is GRANTED.

Upon agreement of the Parties, and the Court being of the opinion that the relief provided is appropriate to conserve resources of the Parties, promote the most efficient use of judicial resources, and eliminate any prejudice to the plaintiff and putative class members:

1. All further proceedings and pending deadlines in this matter are stayed until either (1) the Supreme Court issues a final decision in *Christopher v. SmithKline Beecham, Corp.*, No. 11-204 (U.S. Aug. 17, 2011), or dismisses the case, or (2) this Court finds, on motion of either Party, that appropriate circumstances otherwise exist to lift this stay.
2. The statute of limitations as to claims in the Complaint under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA"), is tolled for the named plaintiff, the current three opt-in plaintiffs, and the putative class as defined in the Complaint,¹ from the date of the entry of this Order until either (1) the Supreme Court issues a final decision in *Christopher* or dismisses the case, or (2) this

¹ In her Complaint, Plaintiff defines the putative class as "all persons who worked for Defendant as [Pharmaceutical Representatives] at any time from three years prior to the filing of this Complaint to entry of judgment in this case." (Compl. ¶ 17.)

Court finds, on motion of either Party, that appropriate circumstances otherwise exist to end the tolling of the FLSA statute of limitations.

3. Within fourteen (14) days after the stay and toll are lifted, the Parties must submit to the Court a status report detailing the impact of the Supreme Court's decision on the instant litigation and, as necessary, a Rule 26(f) Report governing the resumption of case proceedings.
4. This Order will not have the effect of reviving any claims that were time-barred prior to entry of this Order. Nor shall this Order affect the operation of the FLSA statute of limitations as to individuals who become employed by Defendant for the first time after the end of the tolling period provided for herein.
5. The teleconference scheduled for December 14, 2011 is cancelled.

IT IS SO ORDERED this 8th day of December, 2011.

/s/BILLY ROY WILSON

UNITED STATES DISTRICT JUDGE