

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

WILLIAM FINGERHUT, Individually and  
on behalf of all others similarly situated

PLAINTIFF

v.

No. 2:20-CV-02062

EBSCO INDUSTRIES, INC.

DEFENDANT

**OPINION AND ORDER**

Before the Court is a consent motion (Doc. 13) for conditional certification of an FLSA collective action. The motion asks the Court to conditionally certify a collective action that may include:

Current and former front-line supervisors and managers that work or worked for PRADCO Outdoor Brands that did not sign severance agreements, employed after April 21, 2017, that are or were scheduled for forty (40) or more hours per week.

(Doc. 13, p. 1). The parties agree this collective action consists of 14 individuals, including Plaintiff. Like the parties, when the allegations in the complaint are accepted as true the Court concludes this collective action comprises similarly situated employees to Plaintiff.

The parties have also proposed a notice (Doc. 13-1) and consent to join form (Doc. 13-2) to be distributed to the potential collective action members. The Court has reviewed these documents and finds them to be in order.

The parties have also proposed a schedule. Within seven days after entry of this order, Defendant will provide Plaintiff with the names and last known mailing addresses of the potential collective action members. Within seven days of receipt, Plaintiff will distribute the notice and consent to potential collective action members. Within sixty days of distribution, consents for opt-in plaintiffs must be filed by the opt-in plaintiffs or returned to Plaintiff's counsel (who will file those consents on behalf of the opt-ins).

The Court approves this proposed approach. Additionally, because Plaintiff and his counsel have been diligent in pursuing claims, and because Plaintiffs and putative class members should not be penalized by delays caused by the Court's own scheduling obligations and work load, the statute of limitations for any given opt-in plaintiff shall be tolled during the period between August 24, 2020 (when the instant motion was filed) and the day the opt-in plaintiff's notice of consent to join is filed on the docket. *Accord Cummings v. Bost, Inc.*, No. 2:14-CV-02090 (Doc. 60), 2015 WL 13655466, \*7-8 (W.D. Ark. Apr. 13, 2015).

IT IS THEREFORE ORDERED that the consent motion (Doc. 13) is GRANTED as stated herein.

IT IS SO ORDERED this 29th day of September, 2020.

*P. K. Holmes, III*

P.K. HOLMES, III  
U.S. DISTRICT JUDGE