

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

DONNA CROFT; BOBBIE HICKMAN; and
BENJAMIN SUTTON, Individually and on
Behalf of Others Similarly Situated

PLAINTIFFS

v.

Case No. 3:12-CV-03102

PROTOMOTIVE, INC.; PROTOMOTIVE, LLC;
TODD KNIGHTON and CYNTHIA KNIGHTON,
Individually and as Owners/Managers of
Protomotive, Inc.

DEFENDANTS

ORDER

On May 13, 2013, the Court conditionally certified this action a collective action under 29 U.S.C. § 216(b) and authorized the issuance of notice and a consent to join form to potential class members (Doc. 38). Before the Court is Defendants' motion to decertify collective action (Doc. 44). Plaintiffs have filed a response (Doc. 46) stating that they do not oppose Defendants' motion to decertify. No potential class members consented to join this action within the opt-in period, which expired on August 11, 2013. The Court finds it would be inappropriate to allow Plaintiffs' claims to proceed on a collective basis. Accordingly, IT IS HEREBY ORDERED that Defendants' motion to decertify collective action (Doc. 44) is GRANTED.

IT IS FURTHER ORDERED that this action should be and is decertified as a collective action.

IT IS FURTHER ORDERED that this matter shall proceed only upon the individual claims of Plaintiffs Donna Croft, Bobbie Hickman, and Benjamin Sutton, and discovery shall continue accordingly.

IT IS SO ORDERED this 10th day of September, 2013.

/s/ P. K. Holmes, III

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