1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 9 10 11 DARREN WONDERLY, individually and Case No.: 1:16-cv-01621- JLT behalf of those similarly situated, 12 ORDER GRANTING OF PRELIMINARY Plaintiff, APPROVAL OF THE NOTICE OF ELIGIBILITY 13 TO PARTICIPATE IN A COLLECTIVE ACTION AND CONSENT FORM 14 SHERIFF DONNY YOUNGBLOOD, et al., ORDER DIRECTING PLAINTIFF TO FILE A 15 FINALIZED NOTICE AND CONSENT FORM Defendants. 16 On April 13, 2018, the parties filed a stipulated "Notice of Eligibility to Participate in a 17 Collective Action" and proposed Consent Form. (Doc. 64) The Fair Labor Standards Act authorizes 18 collective actions, but limits participation in the action by providing in relevant part: "No employee 19 shall be a party plaintiff to any such action unless he gives his consent in writing to become such a 20 party and such consent is filed in the court in which such action is brought." 29 U.S.C. § 216(b). 21 Here, the proposed notice includes information concerning the nature of the action, the claims 22 presented by Plaintiff; how to opt-in to the action; the effects of joining or not joining the lawsuit, 23 24 including binding effects of judgment; and the applicable deadlines. (Doc. 65 at 1-4) Thus, Court finds the proposed notice contains sufficient information for individuals to make informed decisions 25 regarding whether to join the action as plaintiffs. See Clesceri v. Becah City Investigations & 26

Protective Servs., 2011 WL 320998 (C.D. Cal. Jan. 27, 2011) ("notice under the FLSA must inform

potential class members of the opt-in procedures and of the binding effect, on those who opt-in, of the

judgment or settlement"). Further, the parties have provided a form for the individuals to affirmatively

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1	indicate their consent in writing, as required by 29 U.S.C. § 216(b). (Id. at 5) However, the parties	
2	must amend the forms to include the specific dates for mailing and the applicable deadline for	
3	completing and returning the consent form.	
4	Pursuant to the stipulation of the parties, the Court ORDERS :	
5	1.	Preliminary approval of the "Notice of Eligibility to Participate in a Collective Action"
6		and proposed Consent Form is GRANTED ;
7	2.	Plaintiff SHALL file a finalized Notice and Consent Form no later than May 4, 2018
8		including the following deadlines:
9		a. The Notice and Consent Form SHALL be mailed to potential opt-in plaintiffs no
10		later than May 25, 2018; and
11		b. Any individuals seeking to opt-in to the action must complete and file the
12		consent form no later than August 8, 2018.
13	3.	The parties are advised the failure to comply with this Order may result in the
14		imposition of sanctions pursuant to Local Rule 110.
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16	IT IS SO ORDERED.	
17	Dated: _	April 17, 2018 /s/ Jennifer L. Thurston
18		UNITED STATES MAGISTRATE JUDGE
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