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| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | EASTERN DISTRICT OF CALIFORNIA | | |
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| 11 | MARK ASHELY, individually and behalf of |) Case No.: 1:16-cv-01638- JLT | |
| 12 13 | those similarly situated, Plaintiffs, v. |)) ORDER GRANTING OF PRELIMINARY) APPROVAL OF THE NOTICE OF ELIGIBILITY) TO PARTICIPATE IN A COLLECTIVE ACTION) AND CONSENT FORM | |
| 14 15 16 | SHERIFF DONNY YOUNGBLOOD, et al., Defendants. | ORDER DIRECTING PLAINTIFF TO FILE A FINALIZED NOTICE AND CONSENT FORM | |
| 17 | On April 13, 2018, the parties filed a sti | ipulated "Notice of Eligibility to Participate in a | |
| 18 | Collective Action" and proposed Consent Form. (Doc. 62) The Fair Labor Standards Act authorizes | | |
| 19 | collective actions, but limits participation in the action by providing in relevant part: "No employee | | |
| 20 | shall be a party plaintiff to any such action unless he gives his consent in writing to become such a | | |
| 21 | party and such consent is filed in the court in which such action is brought." 29 U.S.C. § 216(b). | | |
| 22 | The proposed notice includes information concerning the nature of the action, the claims | | |
| 23 | presented by Plaintiff; how to opt-in to the action; the effects of joining or not joining the lawsuit, | | |
| 24 | including binding effects of judgment; and the applicable deadlines. (Doc. 62 at 1-4) Thus, Court | | |
| 25 | finds the proposed notice contains sufficient information for individuals to make informed decisions | | |
| 26 | regarding whether to join the action as plaintiffs. See Clesceri v. Becah City Investigations & | | |
| 27 | Protective Servs., 2011 WL 320998 (C.D. Cal. Jan. 27, 2011) ("notice under the FLSA must inform | | |
| 28 | 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 h | nave provided a form for the individuals to affirmatively | |

| 1 | indicate their consent in writing, as required by 29 U.S.C. § 216(b). (Id. at 5) However, the parties | | |
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| 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. P | reliminary approval of the "Notice of Eligibility to Participate in a Collective Action" | |
| 6 | a | nd proposed Consent Form is GRANTED ; | |
| 7 | 2. P | laintiff SHALL file a finalized Notice and Consent Form no later than May 4, 2018 | |
| 8 | ir | cluding the following deadlines: | |
| 9 | a. | The Notice and Consent Form SHALL be mailed to potential opt-in plaintiffs no | |
| 10 | la | ter than May 25, 2018; and | |
| 11 | b | Any individuals seeking to opt-in to the action must complete and file the | |
| 12 | C | onsent form no later than August 8, 2018. | |
| 13 | 3. T | he parties are advised the failure to comply with this Order may result in the | |
| 14 | ir | nposition of sanctions pursuant to Local Rule 110. | |
| 15 | | | |
| 16 | IT IS SO ORDERED. | | |
| 17 | Dated: A | pril 17, 2018 /s/ Jennifer L. Thurston | |
| 18 | | UNITED STATES MAGISTRATE JUDGE | |
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