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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRIAN THOMAS, et al. on behalf of himself )  
and all similarly situated individuals, )  
 )  
Plaintiff, )  
v. )  
CITY OF FOLSOM, )  
Defendant. )  
 )  
 )  
 )  
 )

Case 2:16-cv-02038-WBS-KJN  
**ORDER GRANTING  
CONDITIONAL CERTIFICATION AND  
FACILITATED NOTICE PURSUANT 29  
U.S.C. § 216(b)**

17  
18 Having considered the parties' Stipulation for Conditional Certification of FLSA  
19 Collective Action and Facilitated Notice, and the proposed Notice attached thereto, and finding  
20 that good cause exists to issue an order pursuant to said stipulation,

21 IT IS HEREBY ORDERED THAT:

22 1. This action satisfies the requirements for conditional certification as a "Collective  
23 Action" under the Federal Labor Standards Act (FLSA). The questions of law and fact common  
24 to the members of the class predominate over questions relevant only to individual members of  
25 the collective class and class adjudication is superior to any other method of adjudication for the  
26 fair and efficient adjudication of this matter.

27 2. For purposes of conditional certification, the FLSA Collective Action Class shall  
28 consist of all current and former employees of the Defendant who worked overtime and received

1 cash payments in lieu of health benefits payments at any time since August 25, 2013.

2 3. This action is conditionally certified as a collective action under 29 U.S.C. §  
3 216(b). Plaintiff, Brian Thomas, shall be appointed collective action representative. Plaintiff's  
4 counsel, Mastagni Holstedt, APC, shall serve as counsel for the collective class.

5 4. Notification of this action in the manner set forth in subsections (a) through (c)  
6 below is appropriate:

7 a. Notification shall be made by sending a "Notice of Action" in the form of  
8 the notice attached as Attachment B to the parties stipulation to all who worked overtime and  
9 received cash in lieu of health benefits payments at any time since August 25, 2013;

10 b. Defendant may administer the notification process, and will send notices  
11 by City email or certified mail with return receipt, to all putative class members within forty-five  
12 (45) days from the date of this order. Defendant shall copy Plaintiff's counsel on any notice  
13 emails and provide Plaintiff's counsel with copies of any return receipts.

14 c. Defendant shall provide Plaintiff's counsel a list of all putative class  
15 members' names, last known mailing addresses, email addresses, and phone numbers.

16 5. The parties shall use informal discovery and early settlement negotiations in an  
17 attempt to resolve this dispute promptly.

18 6. The parties are ordered to submit a joint status report to this Court detailing their  
19 efforts taken to resolve this dispute and the current status of the case within one hundred twenty  
20 (120) days from the date of this order.

21 IT IS SO ORDERED:

22 Dated: February 14, 2017

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE