

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRACEY VALENTINE, et al. on behalf of
herself and all similarly situated individuals,

Plaintiff,

v.

SACRAMENTO METROPOLITAN FIRE
DISTRICT,

Defendant.

) Case 2:17-cv-00827-KJM-EFB
)
) Complaint Filed: April 20, 2017
)
) **ORDER ON CONDITIONAL**
) **CERTIFICATION AND NOTICE TO**
) **POTENTIAL COLLECTIVE ACTION**
) **MEMBERS**
)
) [Filed concurrently with Joint Stipulation on
) Conditional Certification and Notice to
) Potential Collective Action Members and
) Exhibit A]
)

This is a Fair Labor Standards Act case alleging the underpayment of overtime caused by the unlawful exclusion of certain remuneration in the calculation of Plaintiff’s pay. In light of Plaintiffs’ Motion for Conditional Certification of Collective Action (Dkt. No. 23) and Defendant’s Opposition (Dkt. No. 24), the Parties hereby stipulate as follows for an order conditionally certifying this case as a collective action and approving notice to potential collective action members in accordance with *Hoffman-La Roche, Inc. v. Sperling* (1989) 493 U.S. 165. Good cause appearing to this Court, IT IS HEREBY ORDERED THAT:

1. This is a collective action conditionally certified as affecting a group of similarly situated individuals consisting of current or former non-exempt employees of the Sacramento

1 Metropolitan Fire District who have worked statutory overtime under the Fair Labor Standards
2 Act (FLSA) and received cash payments in lieu of health insurance and/or cash payments in lieu
3 of holidays at any time since three years prior to the date of this Order.

4
5 2. The hearing scheduled for October 20, 2017 is vacated.

6 3. Plaintiff Tracey Valentine is appointed collective action representative.

7
8 4. Plaintiff's counsel, Mastagni Holstedt, APC, is appointed counsel for this
9 collective action.

10 5. The proposed notice to potential collective action members attached as Exhibit A
11 hereto is approved as fair and accurate.

12
13 6. Within thirty (30) days of this Order, Defendant shall distribute the notice,
14 attached as Exhibit A hereto, to all current non-exempt employees who have worked
15 statutory/FLSA overtime at Sacramento Metropolitan Fire District and received cash payments
16 in lieu of health insurance and/or cash payments in lieu of holidays at any time since three years
17 prior to the date of this Order, by first class mail to each employees' home mailing address on
18 file with Defendant.

19
20 7. Within thirty (30) days of this Order, Defendant shall distribute the notice
21 attached as Exhibit A hereto, to all former non-exempt employees who have worked
22 statutory/FLSA overtime at Sacramento Metropolitan Fire District and received cash payments
23 in lieu of health insurance and/or cash payments in lieu of holidays at any time since three years
24 prior to the date of this Order, by first class mail to the former employees' last known home
25 mailing address.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Within forty-five (45) days of this Order, Defendant shall provide Plaintiff's counsel with proof of distribution of the notice as set forth above.

9. The last day to opt-in to this collective action shall be seventy-five (75) days from the date the Notice is postmarked. Individuals who have not filed Consent forms by that date may not participate in this lawsuit.

IT IS SO ORDERED.

DATED: October 16, 2017.


UNITED STATES DISTRICT JUDGE