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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY ABOUDARA, JR.,
Plaintiff,
v.
CITY OF SANTA ROSA,
Defendant.

Case No. 17-cv-01661-HSG

**ORDER APPROVING NOTICE TO
PUTATIVE COLLECTIVE ACTION
MEMBERS**

Re: Dkt. No. 49

On September 1, 2017, the Court granted in part and denied in part Plaintiff's motion to conditionally certify this action as a Fair Labor Standards Act ("FLSA") collective action. Dkt. No. 48. The Court directed the parties to meet and confer within 14 days regarding the form of the notice, including the opt-in deadline, and the applicable notice period. See *id.* at 4.

The parties have stipulated that Plaintiff will send notice of the FLSA collective action to all current or former non-exempt employees of the City of Santa Rosa employed in job classifications in the firefighter bargaining unit who have worked overtime and received cash payments in lieu of holidays or incentive payments for non-use of sick leave at any time since February 15, 2014. See Dkt. No. 49 at 2. Individuals who wish to participate in the collective action will have 90 days from the postmark of the notice to opt in. *Id.* at 2, & Ex. A.

The parties' proposed notice states that if successful in the action, Plaintiff's counsel may "apply to receive an award of separate attorneys' fees, or a percentage of any common fund judgment or settlement obtained in favor of Plaintiffs." *Id.* In addition, the notice should inform individuals that if they opt into the class, they will have the opportunity to view any attorneys' fee motion and object to the requested fees and costs. With that change, the Court finds that the parties' proposed notice to putative collective action class members is fair, accurate, and

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reasonable.

Accordingly, the Court **ORDERS** as follows:

1. Within ten (10) days from the date of this Order, Defendant shall provide Plaintiff's counsel with the last known mailing addresses of any and all current or former non-exempt employees of the City of Santa Rosa employed in job classifications in the firefighter bargaining unit who have worked overtime and received cash payments in lieu of holidays or incentive payments for non-use of sick leave at any time since February 15, 2014.
2. Plaintiff's counsel shall distribute the notice, with the revision identified above, via first class mail to the putative collective action members using the addresses provided by Defendant, and provide proof of distribution of the Notice to Defendant's counsel upon request.

IT IS SO ORDERED.

Dated: 10/17/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge