

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 13-cv-02309-REB-MJW

WALTER ORLANDO MANCIA RIVERA, on behalf of himself and all others similarly situated,

Plaintiff,

v.

CARNICERIA Y VERDULERIA GUADALAJARA, INC., and
SERGIO EVANGELISTA,

Defendants.

**ORDER GRANTING JOINT MOTION FOR CLASS CERTIFICATION UNDER
FED. R. CIV. P. 23 AND APPROVAL OF FLSA TOLLING**

Blackburn, J.

The matter is before me on the parties' **Joint Motion for F.R.C.P. 23 Class Certification and Approval of FLSA Tolling Agreement** [#45],¹ filed April 10, 2014. The parties seek certification of a Rule 23 class to facilitate settlement, and stipulate that the prerequisites for certification of a Rule 23 class – specifically the requirements of Rule 23(a) and 23(b)(3) – are satisfied.

After reviewing the motion and the record, and having considered all matters which I must under Rule 23, I find and conclude that the motion is well taken and should be granted.

¹ "[#45]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

THEREFORE, IT IS ORDERED as follows:

1. That the **Joint Motion for F.R.C.P. 23 Class Certification and Approval of FLSA Tolling Agreement** [#45], filed April 10, 2014, is **GRANTED**;
2. That my ruling is **BASED** on federal common and statutory law, the Federal Rules of Civil Procedure, and federal and other authority;
3. That the court **CERTIFIES** preliminarily a class for claims brought pursuant to Fed. R. Civ. P. 23 (hereinafter the “Rule 23 Class”), defined as follows:

ALL CURRENT AND FORMER NON-EXEMPT
EMPLOYEES OF DEFENDANT WHO WORKED
IN CARNICERIA Y VERDURERIA GUADALAJARA INC.’S
MARKETS.

4. That the court **APPROVES** preliminarily Alexander Hood, Esq., and Edward F. Siegel, Esq., as class counsel for the Rule 23 Class;
5. That the court **APPROVES** preliminarily Walter Orlando Mancia Rivera as the class representative for the Rule 23 Class; and
6. That the statute of limitations for determination of an FLSA collective class under 29 U.S.C. § 216 **SHALL BE TOLLED** equitably for six (6) months from April 10, 2014 (the date of the Motion) in order to preserve the claims of the putative collective class.

Dated April 24, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge