

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 14-cv-0079-WJM-MJW

MATTHEW CARTIER, on behalf of himself and all similarly situated persons,

Plaintiff,

v.

WESTERN ELECTRICITY COORDINATING COUNCIL, a Utah corporation

Defendant.

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**ORDER GRANTING CONDITIONAL COLLECTIVE ACTION CERTIFICATION AND  
APPROVAL OF *HOFFMAN-LAROCHE* NOTICE**

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This matter comes before the Court on the Parties' Stipulated Joint Motion Regarding Conditional Collective Action Certification and Approval of *Hoffman-Laroche* Notice ("Motion"). (ECF No. 28.) Having reviewed the Motion and being fully advised of the issues, the Court ORDERS as follows:

1. The Parties Stipulated Joint Motion (ECF No. 28) is GRANTED;
2. This action is CONDITIONALLY CERTIFIED as a collective action under the Fair Labor Standards Act for the purpose of sending notice to the following individuals pursuant to 29 U.S.C. § 216(b):

All persons employed by WECC as a Reliability Coordination System Operator at any time from September 9, 2011 to December 31, 2013.
3. The proposed Notice and Opt-In Consent Form (ECF No. 29) is APPROVED.

4. Within 14 days from the date this Order is entered, Defendant shall provide to Plaintiff's counsel a list of all potential collective action members. The list shall include each employee's name, dates of employment, and last known address.
5. Within 14 days after receiving this list, Plaintiff shall send the approved Notice and Opt-In Consent Form by First Class U.S. Mail to the last known address of each of the individuals identified on the above-referenced list.
6. Any individuals to whom notice is sent shall "opt-in" by filing a signed written consent with the Court in the form attached hereto within 45 days from the postmark date of the notice.
7. Defendant retains and does not waive any and all defenses it has to Plaintiff's claims and those of any individual who opts into this action, including but not limited to the defense that the claims are barred in whole or in part by the statute of limitations.
8. Any motion to decertify the collective action must be filed within 30 days after the end of the discovery period established by the Court. The Court acknowledges that, by agreeing to preliminary notice, WECC does not admit that this action is an appropriate action for collective treatment and expressly reserves its right to move to decertify at a later date.
9. WECC will not attempt to persuade any of its former RCSO's not to join this lawsuit.

Dated this 20<sup>th</sup> day of October, 2014.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martinez".

William J. Martinez  
United States District Judge