

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00291-PAB-BNB

MIKE GASSEL, individually and on behalf of similarly situated persons,

Plaintiff,

v.

AMERICAN PIZZA PARTNERS, L.P., et al.,

Defendants.

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MINUTE ORDER

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Entered by Judge Philip A. Brimmer

This matter is before the Court on the Joint Motion to Approve Stipulated Form of Notice of Collective Action [Docket No. 27] filed jointly by plaintiff Mike Gassel and all defendants. The parties request that the Court approve their stipulation to conditionally certify this case as a collective action under the FLSA and authorize that the notice agreed to by the parties be sent to all current and former delivery drivers employed by defendants since December 14, 2011. Docket No. 27 at 2, ¶ 3. An FLSA action may be brought by an employee “in behalf of himself . . . and other employees similarly situated,” but “[n]o employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought.” 29 U.S.C. § 216(b). At the “notice stage” determination, a plaintiff can show that the putative class members are similarly situated with “substantial allegations” that the putative class members “were together the victims of a single decision, policy, or plan.” *Thiessen v. Gen. Electric Capital Corp.*, 267 F.3d 1095, 1102 (10th Cir. 2001). Based upon a review of plaintiff’s amended complaint [Docket No. 26], the stipulation of the parties, and the proposed notice, the Court is satisfied that plaintiff has met the necessary threshold and will conditionally certify this case as a collective action under the FLSA. It is therefore

**ORDERED** that the parties’ Joint Motion to Approve Stipulated Form of Notice of Collective Action [Docket No. 27] is **GRANTED**. It is further

**ORDERED** that defendants will make the agreed upon disclosures to plaintiff on or before **May 27, 2014** and that, within **14 days** of receipt of such disclosures, plaintiff will mail the agreed upon notice to all current and former delivery drivers employed by defendants since December 14, 2011.

DATED May 14, 2014.