

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:15-cv-00623-JLK-NYW

MICHEAL NAYLOR, on behalf of himself and all similarly situated persons,

Plaintiff,

v.

ABCO CONTRACTING, INC., a Colorado corporation, and
ALBERT HOOD,

Defendants.

ORDER RE: PLAINTIFF'S MOTION FOR APPROVAL OF *HOFFMAN-LAROCHE* NOTICE

Plaintiff's Motion for Approval of Hoffman-La Roche Notice (Doc. 21) is **GRANTED**. The Court hereby **ORDERS** the following:

1. This action shall proceed as a collective action pursuant to 29 U.S.C. §216(b). The parties disagree about whether the notice period should follow the ordinary 2 year statute of limitations or the 3 year statute of limitations applicable to “willful” violations. *See* Docs. 21-23; 29 U.S.C. § 255(a). The Court will adopt the 3-year statute of limitations for notice purposes with the “understanding that individuals may be challenged and severed from the collective if the basis for their joinder proves erroneous.” *Turner v. Chipotle Mexican Grill, Inc.*, No. 1:14-CV-02612-JLK, 2015 WL 4979770, at *7 (D. Colo. Aug. 21, 2015). Accordingly, the collective action is defined as follows:

All current and former employees of Abco who worked as construction laborers

at any time from March 25, 2012 to present.

2. The form of notice attached to Plaintiff's Motion (Doc. 21-2) is approved.

3. Within fourteen (14) days from the date this Order is entered, Defendants shall provide to Plaintiff's counsel a list of all potential collective action members. The list shall include each such employee's name, position, dates of employment, last-known mailing address, e-mail address and telephone number.

4. Within fourteen (14) days of receiving the list, Plaintiff shall send by First Class U.S. Mail the Notice to the last known address of each of the individuals identified on the above- referenced list.

5. Any individuals to whom notice is sent shall "opt-in" by written consent to this Court within forty-five (45) days from the postmark date of the notice.

Dated: October 8, 2015

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE