

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

KEITH E. TAYLOR, TERRENCE
MCGLOTHLIN and JAMES SIMPSON,

Plaintiffs,

v.

Case No: 6:17-cv-1929-Orl-40TBS

C&L TOWING AND TRANSPORT,
L.L.C. and CARL CHASE,

Defendants.

_____ /

ORDER

This cause is before the Court on Plaintiffs' Motion for Conditional Certification and for an Order Permitting Court Supervised Notice to Employees of their Opt-In Rights (Doc. 43) filed on May 29, 2018. The United States Magistrate Judge has submitted a report recommending that the motion be granted in part.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed July 11, 2018 (Doc. 48), is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Motion for Conditional Certification and for an Order Permitting Court Supervised Notice to Employees of their Opt-In Rights (Doc. 43) is **GRANTED IN PART**; and the Court **CONDITIONALLY CERTIES** this case as a collective action for the following class: **All tow truck drivers currently or formerly employed by C & L Towing**

and Transport, LLC within the three-year period immediately preceding the filing of this case to the present.

3. The Parties are **DIRECTED** to confer regarding the language of the Notice of lawsuit and consent/opt-in form to include a provision regarding potential liability for defense costs, and **file** the amended Notice and form within **sever (7) days of the date of the rendition of the district court Order.**

4. **Within five (5) days from the filing of the Notice and form,** Defendant **SHALL DELIVER** to Plaintiff's counsel a list containing the full names and last known addresses of putative class members.

5. Plaintiff's counsel **SHALL** give notice to the individuals in the conditionally certified class **within twenty-one (21) days of receiving the names and addresses from Defendant,** with the following limitations:

(a) Plaintiff shall not give Notice to any person who currently has on file a consent to join in this action.

(b) The Notice and Consent to Join shall be in the stipulated form and shall be mailed on the same day via first class U.S. Mail to all individuals disclosed by Defendants (other than those persons who currently are opt-in Plaintiffs in this action) at the sole cost and expense of Plaintiffs, dated with the date of mailing, and shall all each individual up to sixty (60) days from the date of mailing in which to return a Consent to Join form to Plaintiffs' counsel.

6. Individuals who timely opt into this action are deemed parties for all purposes under the Federal Rules of Civil Procedure pending further Order of this Court and may be represented at any settlement or mediation by the named Plaintiffs.

DONE AND ORDERED in Orlando, Florida on July 26, 2018.


PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties