

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

ARCHIE BRYANT, et al.,

Plaintiffs,

v.

Case No. 3:09cv263/MCR/EMT

LAKEVIEW CENTER, INC.,

Defendant.

ORDER

The plaintiffs in this action have filed a collective action complaint seeking unpaid overtime wages and liquidated damages under the Fair Labor Standards Act (“FLSA”). See 29 U.S.C. § 201, *et seq.* The parties appeared before the court for a status conference on April 27, 2010, pursuant to Federal Rule of Civil Procedure 16. Pending before the court are Plaintiffs’ Motion for Order Approving Class Notice, Requiring Defendant to Disclose Names and Addresses of Class Members and Toll the Limitations During Pendency of the Stay (doc. 70), to which Defendant Lakeview Center, Inc. has not yet responded; and Defendant’s Motion for Leave to Conduct Limited Discovery and Consented Motion for Extension of Time to Respond to Plaintiffs’ Motion for Order Approving Class Notice (doc. 82), which the plaintiffs oppose. This order memorializes the matters discussed and ruled on at the hearing.

1. This cause of action will proceed pursuant to the two-stage procedure for managing FLSA collective actions set forth by the Eleventh Circuit. See, *e.g.*, *Morgan v. Family Dollar Stores, Inc.*, 551 F.3d 1233, 1260-62 (11th Cir. 2008), *cert. denied*, 130 S. Ct. 59 (2009). First, the defendant will be required to respond to the plaintiff’s motion for

conditional certification and notice, following which the court will make a threshold “similarly situated” determination. If the plaintiffs meet this showing, the court will permit a 90-day discovery period on the limited “similarly situated” issue. Second, if the defendant moves for decertification, the court will make a more informed factual determination of similarity at that time. Discovery on the merits will proceed thereafter.

2. For reasons stated at the hearing, Defendant’s Motion for Leave to Conduct Limited Discovery and Consented Motion for Extension of Time to Respond to Plaintiffs’ Motion for Order Approving Class Notice (doc. 82) is GRANTED in part and DENIED in part as follows:

a. Defendant Lakeview Center, Inc. is instructed to file its response to Plaintiffs’ Motion for Order Approving Class Notice, Requiring Defendant to Disclose Names and Addresses of Class Members and Toll the Limitations During Pendency of the Stay (doc. 70), specifically including any objections to the text of plaintiffs’ proposed notice, on or before **May 27, 2010**,

b. Defendant is not permitted to engage in discovery prior to filing its response.

3. The court will enter a separate order dealing with the defendant’s proposed protection order and stipulation on electronic discovery.

4. The deadlines set forth in the Initial Scheduling Order are stayed until further order of the court.

DONE AND ORDERED this 27th day of April, 2010.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE