

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 16-23170-CIV-MORENO

ELLIOT GELBER, and all others similarly
situated,

Plaintiffs,

vs.

AKAL SECURITY, INC.,

Defendant.

**ORDER DENYING PLAINTIFFS' MOTION TO RE-CERTIFY AS A NATIONWIDE
COLLECTIVE ACTION**

THIS CAUSE came before the Court upon Plaintiffs' Motion to Re-Certify as a Nationwide Collective Action (**D.E. 102**), filed on **February 6, 2017**.

THE COURT has considered the motion, Defendant's response in opposition, Plaintiffs' reply, pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the motion is DENIED as the new facts set forth in Plaintiffs' motion are insufficient to justify nationwide certification. The declaration of a single employee from Mesa, Arizona speculating that other air security officers based outside of Miami may join the suit is not enough to justify nationwide certification. *See Rodgers v. CVS Pharm., Inc.*, No. 8:05-CV-770-T-27MSS, 2006 U.S. Dist. LEXIS 23272, at *15 (M.D. Fla. Mar. 22, 2006); *Louis-Charles v. Sun-Sentinel Co.*, No. 07-80621-CIV, 2008 U.S. Dist. LEXIS 20030, at *5 (S.D. Fla. Mar. 14, 2008). Further, the opt-in period closed on January 30, 2017. *See* [DE 72, ¶ 6]. The additional declaration offered by Plaintiffs was executed on February 2, 2017 and was filed on February 6, 2017, after the opt-in period had closed.

DONE AND ORDERED in Chambers at Miami, Florida, this 15th of ~~February~~ March 2017.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record