

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JERRON BIDDINGS, on behalf of)
himself and others similarly-situated,)
Plaintiffs,)
)
v.)
)
LAKE COUNTY,)
Defendant.)

Cause No.: 2:09-CV-38-PRC

OPINION AND ORDER

This matter is before the Court on Plaintiff’s Amended Motion for Approval of Proposed Collective Action Notice and Opt-In Consent Form [DE 26], filed by Plaintiff on June 19, 2009.

This matter was previously before the Court on a Report and Recommendation.

However, the parties have consented to have this case assigned to a United States Magistrate Judge to conduct all further proceedings and to order the entry of a final judgment in this case. Thus, this Court has jurisdiction to decide this case pursuant to 28 U.S.C. § 636(c).

Plaintiff filed a Motion for Approval of Proposed Collective Action Notice and Opt-In Consent Form on March 11, 2009. On July 15, 2009, the Court issued an Order finding that the proposed notice included the entire caption of the instant case in a way that made it clear that the notice is a court document rather than a correspondence from the Court. Further, the Court found that the proposed notice provides that the Court has not made any determination as to the merits of the case. Accordingly, the Court concluded that the proposed notice did not imply court sponsorship and is proper.

However, the Court denied the Motion with leave to refile because at various sections throughout the proposed notice, and in the opt-in form, the phrases “[insert date – three years

preceding the Court’s Order approving conditional certification of the collective action],” “[insert specific date 45 days after notice mailed],” and “[insert date – any period of time from three (3) years preceding the Court’s order approving the conditional certification of the collective action]” appeared. Nonetheless, along with the instant Motion, Plaintiff has submitted revised copies of the proposed notice and opt-in form that are free of the deficiencies addressed in the July 15, 2009 Order and are substantively proper.

Accordingly, the Court hereby **GRANTS** the Plaintiff’s Amended Motion for Approval of Proposed Collective Action Notice and Opt-In Consent Form [DE 26] and **APPROVES** the Notice of Collective Action Lawsuit and Notice of Consent to Become a Party Plaintiff in a Collective Action Under the Fair Labor Standards Act.

So ORDERED this 16th day of July, 2009.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record