

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DENNIS PREJEAN ET AL.

CIVIL ACTION

VERSUS

NO. 12-1045

c/w 12-1716, 12-1533

O'BRIEN'S RESPONSE
MANAGEMENT, INC.

SECTION "J"(2)

This document applies to No. 12-1045

ORDER

The Court, having considered the Report and Recommendation of the United States Magistrate Judge (Rec. Doc. 26), the objection by O'Brien's Response Management L.L.C. (Rec. Doc. 40), plaintiffs' response (Rec. Doc. 50), the record, and the applicable law, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED that plaintiff's motion to certify a collective class is **GRANTED IN PART** and that a collective class is conditionally certified, consisting of

all workers who:

- (a) worked for O'Brien's Response Management, Inc. at any site on the BP Deepwater Horizon MC252 oil spill response between April 21, 2010 and January 1, 2011;
- (b) were classified as independent contractors;
- (c) paid a day-rate;
- (d) worked over forty hours in at least one workweek without receiving overtime pay; and
- (e) performed duties tracking oil spill response personnel and/or equipment, and/or assisted in managing and/or tracking the resources used in the response.

IT IS FURTHER ORDERED that the parties must meet and confer within 30 days after entry of this order and attempt to reach an agreed upon notice and consent form. **IT IS FURTHER ORDERED** that, to the extent that the parties can agree upon forms of notice and consent, they must submit their proposed forms to the Court via a joint letter no later than 30 days after the conditional certification order.

IT IS FURTHER ORDERED that, by the same date, the parties may file supplemental memoranda regarding any portions of the notice and the proposed deadlines as to which they have not agreed. The Court will thereafter enter an order regarding the form of notice.

IT IS FURTHER ORDERED that defendant must produce to plaintiff, within 30 days after entry of this order, a computer-readable data file containing all potential opt-in plaintiffs' names and last known mailing and e-mail addresses.

New Orleans, Louisiana, this 6th day of November, 2013.


UNITED STATES DISTRICT JUDGE