

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LARRY ALLEN, ET AL.

CIVIL ACTION

VERSUS

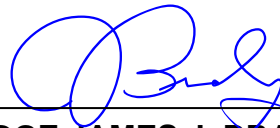
NO. 09-787-JJB-DLD

RHODIA, INC.

ORDER

The Court maintains discretion in determining the proper time to address class certification. See Fed R. Civ. P. 23(c)(1)(A), 23(d)(1)(A). This determination varies with the circumstances of the case. See Wright, Miller, & Kane, *Federal Practice and Procedure*: Civil 3d § 1785.3. Accordingly, in view of defendant's express intention to move the Court for decertification of plaintiffs' collective action under the Fair Labor Standards Act ("FLSA"),¹ plaintiffs' motion for class certification of their non-FSLA claim (doc. 22) is hereby removed from the court's docket at this time. After defendant moves for decertification, plaintiffs may renew their motion with such additional briefing as may be appropriate. A new briefing schedule will be issued at that time.

Signed in Baton Rouge, Louisiana, on April 20, 2010.



**JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

¹ See Rhodia Inc.'s Mem in Opp'n to Pls.' Mot. for Class Certification of Non-FSLA Claims 15.