

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

DORINDA SCHWARTZ, ET AL.

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v.

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MAXIM HEALTHCARE SERVICES, INC.

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Civil Nos. - JFM-15-1508,  
JFM-15-1511, JFM-15-1514,  
JFM-15-1523, and JFM-15-1524

**MEMORANDUM**

These five actions have been instituted under the Fair Labor Standards Act. There are 182 plaintiffs in the five actions. A similar action, involving 47 plaintiffs, has been filed in the Northern District of Ohio. Defendant has filed a “Motion To Sever And Dismiss Misjoined Plaintiffs,” in each case. The motion will be granted.

Plaintiffs’ counsel previously filed a collective action in the Northern District of Ohio asserting virtually the same claims asserted in these cases. In the prior action plaintiff’s counsel admitted to being unable to sustain a collective action and stipulated to decertification. In these actions, however, as stated above, 182 plaintiffs have joined their claims under Fed. R. Civ. P. 20.

It is well-established that “the ‘similarly situated’ standard for certification of a collective action of the FLSA is ‘more elastic and less stringent’ than the standard for permissive joinder under Rule 20.” *Andrews v. Comcast*, No. 12-2909, 2015 U.S. Dist. LEXIS 16563, at \*12 (D. Md. Feb. 11, 2015) (quoting *Grayson v. K Mart Corp.*, 79 F.3d 1086, 1095 (11th Cir. 1996)). On this ground alone, defendant’s motion to sever should be granted. Moreover, even if the decertification in the previous collective action was not dispositive, joinder under Rule 20 is

