

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DAVID LE ROY GAMBLE, JR., CYRUS  
P. GLADDEN, II, DAVID J. JANNETTA,  
JERRAD W. WAILAND, and  
CLARENCE A. WASHINGTON,

Civil No. 16-2720 (JRT/KMM)

**ORDER ON REPORT AND  
RECOMMENDATION**

Plaintiffs,

v.

MINNESOTA STATE-OPERATED  
SERVICES, MINNESOTA STATE  
INDUSTRIES, MINNESOTA SEX  
OFFENDER PROGRAM, DEPARTMENT  
OF HUMAN SERVICES, STATE OF  
MINNESOTA, EMILY JOHNSON PIPER,  
SHELBY RICHARDSON, JOHN AND  
JANE DOES 1-20, LUCINDA JESSON,  
DENNIS BENSON, NANCY A.  
JOHNSTON, SHIRLEY JACOBSON, and  
CHARLIE HOFFMAN,

Defendants.

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David Le Roy Gamble, Jr., Jerrad W. Wailand, and Clarence A. Washington, St. Peter Regional Treatment Center, 100 Freeman Drive, St. Peter, MN 56082, Cyrus P. Gladden, II and David J. Jannetta, Minnesota Sex Offender Program, 1111 Highway 73, Moose Lake, MN 55767, *pro se* plaintiffs.

Kathryn I. Landrum, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1100, St. Paul, MN 55101, for defendants.

Five individuals currently in the custody of the Minnesota Sex Offender Program (“MSOP”) and participating in MSOP’s “Patient Pay Program” allege violations of the

Fair Labor Standards Act by numerous state-entity and individual Defendants. United States Magistrate Judge Katherine M. Menendez issued a Report and Recommendation (“R&R”), recommending that the Court deny without prejudice Plaintiffs’ Motion to Conditionally Certify a Collective Action (Docket No. 134) because Plaintiffs were proceeding pro se. (R&R at 2-3, Feb. 16, 2018, Docket No. 146.) Since then, four of the five named Plaintiffs have obtained counsel. (See Docket Nos. 156-158.) The Court will adopt the recommendation of the Magistrate Judge and deny the Plaintiffs’ motion without prejudice.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge’s Recommendation [Docket No. 146] is **ADOPTED**.
2. Plaintiffs’ Motion to Conditionally Certify a Collective Action Pursuant to 29 U.S.C. 216 and Identified Consenting Individuals as Collective Action Plaintiffs and Authorize Notice to Other Potential Collective Action Plaintiffs [Docket No. 134] is **DENIED without prejudice**.

3. Plaintiffs’ Motion to Accept Late Filing of Plaintiffs’ Reply Memorandum [Docket No. 149] is **DENIED as moot**.

DATED: April 20, 2018  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court