

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RENZA BIRDIE, on behalf of herself
and those similarly situated

PLAINTIFF

v.

CAUSE NO. 5:17-cv-21-DCB-MTP

BRANDI'S HOPE COMMUNITY SERVICES, LLC,
and DANNY COWART

DEFENDANTS

ORDER GRANTING JOINT MOTION FOR
ADDITIONAL DISTRIBUTION OF NOTICE

This cause is before the Court on the parties' Joint Motion for Additional Distribution of Notice [Doc. 73]. Having reviewed the motion, the Court finds and orders as follows:

1. On June 14, 2017, the Court conditionally certified a class of all Direct Support Professionals, or Direct Care Professionals, employed by Defendants who stayed with a client overnight at any time since February 24, 2014.

2. To notify putative class members, the Court ordered dissemination of notice by U.S. Mail and email. The Court also approved the sending of a reminder postcard by mail and email.

3. Counsel for Plaintiff and counsel for Defendants have determined that the initial class list did not include all individuals who worked as Direct Support Professionals, or Direct Care Professionals, for Defendants and who stayed with a client overnight since February 24, 2014.

4. The parties agree and the Court hereby approves that all current and former employees of Defendants who have not already been sent notice or opted-in to the lawsuit and who worked within the relevant time period shall receive notice of the lawsuit, so that all employees who were subject to the pay policy at-issue in this case have an opportunity to join the collective action.

5. Over 600 additional employees will receive the notice approved herein. To reduce the number of potential opt-ins who were not in fact subject to the pay policy at-issue, the additional notice shall read as follows:

I was employed as a Direct Support Professional, or Direct Care Professional, for Brandi's Hope Community Services, LLC and Danny Cowart (collectively "Defendant"). At some time after February 24, 2014, I clocked-out at some time in the night, but remained with one or more clients of Defendant until sometime the next morning, and I did not get paid for some or all of that time that I remained with the client(s). I understand this lawsuit is being brought under the Fair Labor Standards Act for unpaid regular and overtime compensation. I consent to becoming a party-plaintiff in this lawsuit, to be represented by Sanford Law Firm, PLLC, and to be bound by any settlement of this action or adjudication by the Court.

6. Defendants provided contact information for all individuals entitled to receive the new notice to counsel for Plaintiff. If Defendants have received new contact information for any of these individuals since the date the contact information was first provided, Defendants must provide the new contact information to counsel for Plaintiff no later than seven days after

the entry of this Order.

7. Plaintiff is hereby authorized to send notice by both mail and email, including a reminder postcard and email, in the same manner as was previously authorized by this Court to the over 600 employees who have not been sent notice or filed a Consent to Join herein.

8. The individuals who are sent the notice shall file their Consents to Join during the ninety-day period beginning on the date the notice is mailed, which the parties agree should begin fourteen days after the entry of this Order.

9. A new scheduling order shall be entered to accommodate the new notice period.

10. The text Notice and Consent to Join attached to the Joint Motion for Additional Distribution of Notice are hereby approved. The documents should be modified to reflect the new deadline to file Consents to Join.

11. Because the employees who have not yet received notice may have been entitled to notice when it was originally sent in June 2017, the individuals who opt-in after receiving the Notice authorized herein shall receive equitable tolling of their claims, and any Consents to Join filed on behalf of these individuals through 11:59 p.m. on the date ninety days after notice is mailed shall be deemed to have been filed on September 28, 2017, for the

purposes of equitable tolling.

ACCORDINGLY,

IT IS HEREBY ORDERED that the Joint Motion for Additional Distribution of Notice [Doc. 73] is **GRANTED**.

SO ORDERED, this the 8th day of December, 2017.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE