

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM TIMOTHY PERRIN,)
individually and on behalf of other)
similarly situated persons,)
)
Plaintiffs,)
)
vs.)
)
PAPA JOHN'S INTERNATIONAL, INC.,)
et al.)
)
Defendants.)

Case No. 4:09CV01335 AGF

MEMORANDUM AND ORDER

This matter is before the Court on the parties' joint motion for approval of a proposed class action notice. The proposed notice will inform Defendants' current and former employees of the Court's certification under Federal Rule of Civil Procedure 23 of five plaintiff classes asserting violations of the wage and hours laws of Arizona, Florida, Illinois, Maryland and Missouri.

On December 31, 2013, the Court granted Plaintiffs' motion for approval of the aforementioned Rule 23 classes. At that time the Court also approved a form of notice proposed by Plaintiffs. Thereafter, Defendants asked Plaintiffs to make several changes to the notice and Plaintiffs agreed to do so. The parties disagreed, however, with respect to the appropriate interpretation of the class definitions adopted by the Court. At the parties' request the Court conducted a telephone conference to clarify the definitions.

During the March 25, 2014, telephone conference the Court indicated that it did not intend to restrict the classes certified under Rule 23 to include only those employees who had opted into the class previously certified under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b). The Court also clarified its intention that the statute of limitations applicable under each of the state wage and hours law be applied and that it did not intend the FLSA statute limitations to apply to the state law claims or classes.

The Court directed the parties to confer with respect to the appropriate limitations periods under each of the pertinent state statutes and to propose a form of notice to the Court. The parties represent that they have reached agreement with respect to the form of notice submitted to the Court. Upon review of the proposed notice, the Court concludes that it adequately apprises class members of their options, obligations and rights with respect membership in the certified Rule 23 classes.

Accordingly,

IT IS HEREBY ORDERED that the parties’ joint motion for approval of their proposed form of notice for the Rule 23 motions is **GRANTED**. (Doc. No. 313.)

Audrey G. Fleissig _____
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 7th day of April, 2014.