

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL BRACKETT, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:12-CV-898-JAR
)	
ST. LOUIS BOARD OF POLICE)	
COMMISSIONERS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter came before the Court on June 25, 2013 for a hearing on Defendants’ Motion to Decertify Plaintiffs’ Collective Action under 29 U.S.C. § 216(b). [ECF No. 51] Because the Court concludes the motion is premature, the motion will be denied without prejudice.

In addition, Defendants move to strike Plaintiffs’ submission of an amicus brief of the Secretary of Labor dated July 19, 2007 and filed in a district court case in the Southern District of New York, *Mullins v. City of New York and The New York City Police Department*, C.A. No. 1:04-cv-2979, as a supplemental response to Defendants’ motion to decertify. (Doc. No. 65) Because Plaintiffs did not seek leave of Court to file supplemental authority, E.D.Mo. L.R. 7–4.01(C), and because the brief does not address the issues raised in Defendants’ motion to decertify, the motion to strike will be granted.

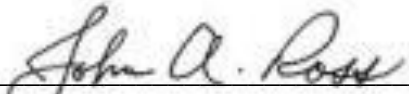
Accordingly,

IT IS HEREBY ORDERED that Defendants’ Motion to Decertify Plaintiffs’ Collective Action under 29 U.S.C. § 216(b) [51] is **DENIED** without prejudice to refileing at a later date.

IT IS FURTHER ORDERED that within seven (7) days from the date of this Order, the parties shall submit, either jointly or separately, a proposal for phased discovery on the different job classifications for the opt-in sergeants.

IT IS FURTHER ORDERED that Defendants' Motion to Strike [66] is **GRANTED** and Plaintiff's supplemental response filed on June 18, 2013 (Doc. No. 65) is stricken.

Dated this 25th day of June, 2013.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE