

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

LUCAS HARVILL, individually and	)	
on behalf of others similarly situated,	)	
	)	
Plaintiff,	)	No. 4:14-CV-1444 JAR
	)	
v.	)	
	)	
PHELPS COUNTY RESTAURANT, LLC	)	
d/b/a COLTON'S STEAK HOUSE & GRILL,	)	
and CHRIS MORGAN,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on the parties' Joint Motion to Conditionally Certify Class, Order Disclosure of Putative Class Members' Names and Contact Information and Facilitate Class Notice. (Doc. No. 21) Having reviewed the parties' submissions and stipulations, the Court will conditionally certify the class and approve the proposed notice as set forth below.

Accordingly,

**IT IS HEREBY ORDERED** that the Joint Motion to Conditionally Certify Class, Order Disclosure of Putative Class Members' Names and Contact Information and Facilitate Class Notice [21] is **GRANTED**. The Court conditionally certifies a class of all persons employed by Defendants within the last three (3) years whose compensation included receiving tips and/or who participated in a tip pool or tip sharing arrangement.

**IT IS FURTHER ORDERED** that Plaintiff Lucas Harvill is authorized to act as the conditional class representative.

**IT IS FURTHER ORDERED** that the Riggan Law Firm, LLC is authorized to act as class counsel.

**IT IS FURTHER ORDERED** that the notice filed as ECF No. 21-1, the exhibit to the Joint Motion to Conditionally Certify Class, Order Disclosure of Putative Class Members' Names and Contact Information and Facilitate Class Notice, shall serve as notice in this case.

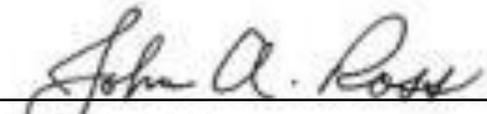
**IT IS FURTHER ORDERED** that Defendants shall provide Plaintiff's attorneys with a computer-readable list (in Excel format) of all putative class members and their last known contact information, including physical address(es), mailing address(es), and telephone number(s), to the extent that such information is available, within fourteen (14) days of the date of this Order, and no later than **February 26, 2015**. Notice will not be sent to any individuals who have already consented to join this lawsuit.

**IT IS FURTHER ORDERED** that notice shall be disseminated to putative class members via U.S. Mail. Pursuant to 29 U.S.C. §§ 216, 256, individuals who timely return a Consent to Join form will be joined as opt-in plaintiffs upon the filing of their Consent with the Court.

**IT IS FURTHER ORDERED** that the notice shall be mailed and posted no later than **March 5, 2015**. To participate in the lawsuit and be a member of the conditionally certified class, the Consent to Join form must be returned to Plaintiff's counsel or postmarked on or before the expiration of sixty (60) days following the date the notice is posted and mailed. Counsel for Plaintiff will pay for the initial cost of printing and sending the notice.

**IT IS FINALLY ORDERED** that counsel shall file a status report with the Court no later than thirty (30) days following the expiration of the opt-in period.

Dated this 19<sup>th</sup> day of February, 2015.

  
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**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**