

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

SANDRA DRAKE and RANDY SMITH,)
on behalf of themselves and others similarly)
situated,)
)
 Plaintiffs,)
)
 vs.)
)
STEAK N SHAKE OPERATIONS, INC.,)
)
 Defendant.)

Case No. 4:14-CV-1535-JAR

MEMORANDUM AND ORDER

This matter is before the Court on the Parties’ Joint Stipulation on Conditional Class Certification (Doc. 36) and Plaintiffs’ Motion for Approval of Class Notice (Doc. 37). Defendant has responded to Plaintiff’s Motion (Doc. 38). The Parties have agreed to the conditional certification of a putative class that includes Managers in Defendant’s St. Louis group market (Doc. 36). The Parties have also agreed to the substance of the Consent Form (Doc. 37-1). However, the Parties disagree regarding the content of the Notice to be sent to potential class members. Specifically, Defendant wishes to include the following language in the Notice: “You may be responsible for a portion of Court costs in the event Plaintiffs do not win this lawsuit” (Doc. 37-2 at 1). Upon consideration, the Court finds that the proposed language is not necessary or appropriate. Having reviewed the Parties’ submissions and the Stipulation, the Court conditionally certifies the class and approves the Notice and associated Consent Form as set forth below.

Accordingly,

IT IS HEREBY ORDERED that the Joint Stipulation on Conditional Certification

(Doc. 36) is **GRANTED**. The Court conditionally certifies the following classes:

- 1) With respect to Count I: Current and former Managers employed in Defendant's St. Louis Group Market who worked for Defendant three years from the date of this Order to the present.
- 2) With Respect to Count III: Current and former female Managers employed in Defendant's St. Louis Group Market who worked for Defendant three years from the date of this Order to the present.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Approval of Class Notice (Doc. 37) is **GRANTED**. The Notice filed as an exhibit to the Motion (Doc. 37-2), excluding the highlighted sentence, shall serve as the Notice in this case. The Consent Form also attached to the Motion as an exhibit (Doc. 37-1) shall serve as the Consent Form in this case.

IT IS FURTHER ORDERED that Defendant shall provide Plaintiffs' counsel the last known names and mailing addresses for all individuals who are to receive the Notice within fourteen (14) days of the date of this Order.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 17th day of December, 2015.