

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LAWRENCE M. WILSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:15CV00380 AGF
)	
PNK (RIVER CITY), LLC,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

This matter is before the Court on the joint motion (Doc. No. 78) of the parties to show cause to continue the suit of opt-in Plaintiffs Jo Linhart, Olivia Remington, and Ann Marie Wyrsh.

In a January 12, 2017 Order (Doc. No. 76), the Court de-certified the collective action under the Fair Labor Standards Act, 29 U.S.C. § 216(b) (“FLSA”), granted the stipulations to dismiss for the three named Plaintiffs and two opt-in Plaintiffs, and ordered opt-in Plaintiffs Linhart, Remington, and Wyrsh to show cause why the current Complaint (Doc. No. 1) should not be dismissed without prejudice to their ability to initiate individual lawsuits.

In their February 10, 2017 response, the remaining opt-in Plaintiffs requested that the Court continue the case under the current Complaint and proceed to issue a case management order. These Plaintiffs allege that they have been misclassified under the

FLSA, performed the same job duties as the settling Plaintiffs, but were offered substantially less to settle the case.

This case, however, has been de-certified as an FLSA collective action, and will not proceed jointly. As such, the case will not go forward under the current Complaint, which was filed as a collective, and the Complaint will be dismissed without prejudice to the opt-in Plaintiffs filing their own lawsuits. To the extent that opt-in Plaintiffs Linhart, Remington, and Wyrsh wish to pursue their claims, they must each file an individual action. The Court will stay the statute of limitations for an additional thirty days to permit the opt-in Plaintiffs to file individual lawsuits, should they so desire.

For these reasons,

IT IS HEREBY ORDERED that this case is **DISMISSED with prejudice** as to Plaintiffs Darren Metzger, Charles Patterson, Lawrence Wilson, Tedd Gan, and Sandra Gaither, pursuant to their previously filed Stipulations to Dismiss. (Doc. No. 66.)

IT IS FURTHER ORDERED that the case is **DISMISSED without prejudice** to the opt-in Plaintiffs Linhart, Remington, and Wyrsh to file their own individual lawsuits.

IT IS FURTHER ORDERED that the statute of limitations will be **STAYED** for **thirty (30) days** from the date of this Memorandum and Order to permit opt-in Plaintiffs Linhart, Remington, and Wyrsh to file individual actions. Opt-in Plaintiffs Linhart, Remington, and Wyrsh are advised that the statute of limitations will begin to run again after this additional thirty-day period.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve a copy of this

Memorandum and Order to opt-in Plaintiffs Linhart, Remington, and Wyrsh at their addresses, as provided in Doc. No. 70.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2017.