

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ROY JAMES SCOTT, SR.,)
On behalf of himself and others)
Similarly situated,)
)
Plaintiffs,)
)
Vs.)
)
COWLEY DISTRIBUTING, INC.)
(a Missouri Corporation))
)
Defendant.)

Case no.: 2:16-cv-04307-NKL

ORDER

The parties ask the Court to approve their Joint Stipulation for Conditional Certification, including proposed notice and opt-in forms. Doc. 50. Having considered the parties' submission, it is hereby ordered that by stipulation, conditional class certification of class claims under § 216(b) of the Fair Labor Standards Act is granted. It is further ordered as follows:

The Court hereby conditionally certifies Plaintiffs' collective action for all current and former employees who worked for Defendant Cowley Distributing, Inc. at any time in the three years preceding the date of this Order, who performed work as drivers/merchandisers while employed by Cowley, who were paid on a set weekly salary basis, who in whole or in part operated a motor vehicle that had a gross vehicle weight ratio of 10,000 lbs. or less, and who were not paid at one and one-half times their regular hourly rate for hours worked over 40 in a workweek.

Plaintiff Roy James Scott, Sr. is authorized to act as class representative and Donelon, P.C. is authorized to act as class counsel.

Within fourteen (14) days of the date of this Order, Cowley shall provide Plaintiffs'

attorneys with a list of the names of all current and former employees who may be potential class members, along with their last known mailing address, email address, and dates of employment.

The stipulated, proposed Notice and Consent to Join forms, Docs. 50-2 and 50-3, are approved.

Within five (5) days after receiving the above-described list of names and other information, Plaintiffs shall mail the Notice and Consent to Join forms, and shall use reasonable, alternative methods for attempting to identify alternative addresses for undeliverable mail as stipulated by the parties. Doc. 50, p. 3, ¶ 7.

The time period for opting in shall be sixty (60) days, as stipulated by the parties. Doc. 50, p. 4, ¶8.

Within ninety (90) days of the date of this Order, the parties shall submit a joint proposed amended scheduling order, and shall also include therein a proposed date for filing any motion to decertify the class.

In view of the foregoing, Plaintiff's Motion for Conditional Class Certification Under § 216(b) of the FLSA, Doc. 43, is denied as moot.

SO ORDERED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: June 12, 2017
Jefferson City, Missouri