

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADELA MOLINA, et al., <i>on behalf of themselves</i>	:	
<i>and all others similarly situated</i>	:	
	:	20 Civ. 2481 (LGS)
Plaintiffs	:	
	:	
-against-	:	<u>ORDER</u>
	:	
HUAXCUAXTLA RESTAURANT CORP., et al.	:	
Defendants.	X	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, by Order dated July 21, 2020, Defendants were directed to file any opposition to Plaintiffs’ motion for conditional certification by September 4, 2020 (Dkt. No. 37);

WHEREAS, Plaintiffs filed a motion for conditional certification on August 21, 2020 (Dkt. No. 41). Defendants have not filed an opposition. It is hereby

**ORDERED** that by **September 11, 2020**, Defendants shall either file an opposition to Plaintiffs’ motion or a letter confirming whether Defendants stipulate to conditional certification and the form of notice. If Defendants do not file an opposition or letter, the collective may be conditionally certified.

Defendants are reminded that the standard for conditional certification is lenient. *See Varghese v. JP Morgan Chase & Co.*, Nos. 14 Civ. 1718, 15 Civ. 3023, 2016 WL 4718413, at \*5 (S.D.N.Y. Sept. 9, 2016) (“Plaintiff’s burden is minimal because the determination that the parties are similarly situated is merely a preliminary one . . . .” (quoting *Lee v. ABC Carpet & Home*, 236 F.R.D. 193, 197 (S.D.N.Y. 2006))). By stipulating to conditional certification and the form of notice, Defendants may still reserve its rights to object to any final certification under the more rigorous standard that applies at that stage.

Dated: September 8, 2020  
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE