

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

OTONIEL SOSA TEOBA, individually and on behalf of others similarly situated, FRANCISCO NOEL FERNANDEZ, JESUS CAMORA VICTORIA, LUIS ALBERTO GOMEZ DELGADO, JUAN LUIS GOMEZ, ALEJANDRO TIBURCIO MALDONADO, ALEJANDRO RODERIGUEZ RASCON, GABRID MORALES CONTRETAS, FERNANDO FERNANDEZ HERNANDEZ, LUIS GABRIEL HERNAND CRUZ, RAFAEL OLMOS SANCHEZ, BERTIN MORALES and CARLOS MUNUZ,

ORDER
10-CV-6132

Plaintiff(s),

v.

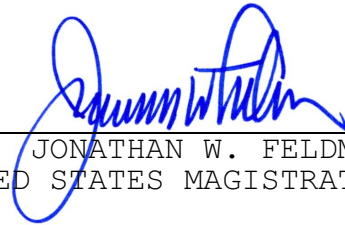
TRUGREEN LANDCARE, L.L.C.,

Defendant(s).

On August 11, 2011, the Court granted plaintiffs' Motion to Approve Notice to Class and Method of Distribution (Docket # 51) "subject to the Court's review of both the proposed notice and the method of distribution." See Order dated August 11, 2011 (Docket # 73). The Court advised that the notice approved for distribution in Rivera v. Brickman Grp., Ltd., No. 05-1518, 2008 WL 81570 (E.D. Pa. Jan. 7, 2008) "will be the template for the Notice and method of distribution in this case." By letter dated August 30, 2011, plaintiffs' counsel, Edward Tuddenham, Esq., informed the Court that despite the parties' attempts to negotiate an agreed FLSA Notice and order governing the distribution of the Notice, the parties have been unsuccessful in agreeing upon a proposed Notice and method of distribution. Plaintiffs and defendant have both

submitted proposed Notices and methods of distribution for the Court to review. The Court, having reviewed the parties' proposed Notices and methods of distribution, hereby Orders that plaintiffs' proposed Notice and method of distribution, which is modeled on Rivera v. Brickman Grp., Ltd., 2008 WL 81570, shall be the Notice and method of distribution used in this case.

SO ORDERED.



JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Dated: September 30, 2011
Rochester, New York