

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

TAMARA FIELDS and LAKENYA
HARRISON, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS,

Defendant.

3:12-cv-00220-GCM

**ORDER ON STIPULATION FOR CONDITIONAL CLASS CERTIFICATION AND
JUDICIAL NOTICE**

A Stipulation for Conditional Class Certification and Judicial Notice (the “Stipulation”) has been filed in the case and considered by the undersigned. IT IS ORDERED THAT:

1. This case is conditionally certified as a collective action under 29 U.S.C. § 216(b) of the Fair Labor Standards Act. By this Stipulation, Defendant does not waive its right to bring a motion for decertification of the collective class.

2. The parties will send the attached Notice of Pendency of Lawsuit and Opt-In Plaintiff Consent Form (“Notice Packets”) to potential opt-ins to inform them of the action and to give them an opportunity to join this case as an opt-in plaintiff. Within two business days of this Court’s approval of the Notice, or by November 2, 2012, whichever is later, Defendant’s counsel shall provide Plaintiffs’ counsel with a list, in electronic format, (i.e., Microsoft Excel (.xls), or Symbolic Link (SYLK(.slk)), of all persons employed by Defendant in customer service, technical support, financial services, and similar positions in Defendant’s call centers in North Carolina, from three years from the date the Court grants the parties’ Stipulation for Conditional Class Certification and Judicial Notice, until the present, including their names, most recent known address, dates of employment, and locations of employment.

3. Plaintiffs’ counsel, Nichols Kaster, PLLP shall within 5 business days of receipt of this list, mail via first-class U.S. Mail the Notice Packets. The form of the Notice and Opt-In Plaintiff Consent Form shall be the same as those attached as Exhibit A to the Stipulation.

4. There shall be a 30-day notice period for opting into this lawsuit, which shall commence on the date that the Notice Packets are postmarked. All consent forms sent to Plaintiffs’ counsel for filing with the Court must be either received by Plaintiffs’ counsel, or

postmarked, within the 30-day notice period; all such consent forms must be filed with the Court within five business days of the close of the notice period, subject to paragraph 5.

5. If any Notice sent via first class U.S. Mail is returned to Plaintiffs' counsel as undeliverable because of an incorrect mailing address, Plaintiffs' counsel shall promptly notify Defendant's counsel. Within 2 business days of notice from Plaintiffs' counsel, to the extent such information is available to Defendant, Defendant's counsel shall provide to Plaintiffs' counsel the date of birth of such persons so that Plaintiffs' counsel may attempt to obtain an additional mailing address. For such persons, the notice period will be extended to 45 days from the date the notice was originally mailed.

6. Plaintiffs shall send one "Reminder" mailing, fifteen (15) days following the Notice Packet mailing. The form of the Reminder mailing shall be consistent with Exhibit B to the Stipulation.

7. If issues regarding the issuance of the Notice arise, and the parties are unable to reach agreement on those issues, the parties will contact the Court for guidance.

Signed: November 8, 2012

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

