

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAROLYN TOLTON,

Plaintiff,

Vs.

**COUNCIL FOR ECONOMIC
OPPORTUNITIES IN GREATER
CLEVELAND,**

Defendant.

CASE NO.1:08CV2588

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J:

On April 13, 2009, the Court issued a Notice of Hearing setting an Attorneys Conference for April 30, 2009. There appears to be conflicting law regarding whether the Fair Labor Standards Act (FLSA) is inherently incompatible with state class actions. In light of the parties proposed settlement of both FLSA and class claims, the Court orders the parties to be prepared to discuss whether the FLSA preempts state class claims or presents issues of incompatibility sufficient to warrant dismissal of class claims. Parties shall consider the following cases:

Woodard v. FedEx Freight East, Inc., 250 F.R.D. 178 (M.D. Pa. 2008), *Bouaphako v. Tyson Foods, Inc.*, 564 F. Supp.2d 870 (N.D. Iowa 2008), *Ellis v. Edward D. Jones & Co., L.P.* 527

F.Supp.2d 439 (W.D. Pa. 2007), *Robertson v. LTS Management Services LLC*, No. 07-0865, 2008 WL 4559883 (W.D. Mo. Oct. 9, 2008), *Freeman v. Hoffman-LaRoche, Inc.*, No. 07-1503, 2007 WL 4440875 (D. N.J. Dec. 18, 2007), and *Lindsay v. Government Employees Ins. Co.*, 448 F.3d 416 (D.C. Cir. 2006).

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

April 21, 2009