

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES BURCHAM and GRADY HILL,
on behalf of themselves and those
similarly situated ,

Plaintiffs,

vs.

CASE NO.: 3:17-CV-00168-TMR

TAUBRA CORP., an Ohio Corporation
d/b/a MERCURY SERVICE, and
JUDITH BOWERS FRANCIS,
Individually,

Defendants.

ORDER GRANTING JOINT STIPULATION FOR
CONDITIONAL CERTIFICATION

This Cause having come before the undersigned on the Parties' Joint Stipulation for Conditional Certification of FLSA Collective Action and Facilitating Notice to Putative Opt-In Plaintiffs, the Court having reviewed all pleadings and exhibits contained within the briefing on this Motion, hereby orders as follows:

1. The Parties' Joint Stipulation for Conditional Certification of FLSA Collective Action and Facilitating Notice to Putative Opt-In Plaintiffs is hereby GRANTED.
2. The Court conditionally certifies under the Fair Labor Standards Act the following class of similarly situated individuals: all delivery drivers classified as independent contractors who worked for Defendants within

the last three years who were not paid at least minimum wage for some hours worked and/or who were not compensated at time-and-one half for hours worked in excess of forty hours in one or more workweeks.

3. Defendant shall produce to Plaintiff's Counsel a list, in readable Excel format, of the names of individuals contained within the definition in paragraph 2, along with each individual's address, e-mail address(es), telephone number, last four digits of their social security number, and dates of work. Defendant shall produce this information to Plaintiff's Counsel within fourteen (14) days of the date of this Order.
4. Within fourteen (14) days of receiving the class list described in paragraph 3, Plaintiffs' Counsel shall send notice by U.S. Mail and E-mail to each individual listed on the class list. Plaintiff's Counsel shall utilize the Class Notice and Consent to Become Opt-In Plaintiff form attached as Exhibit A to the Joint Stipulation for Conditional Certification.
5. Each class member shall have forty-five (45) days from the date of the initial mailing of class notice to return their signed consent to join form to Plaintiffs' Counsel for filing with the Court.

DONE and **ORDERED** in Chambers, in Dayton, Ohio on January 12, 2017.

s/Thomas M. Rose
HONORABLE THOMAS M. ROSE
United States District Judge

Copies furnished to:

Counsel of Record