

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
ROBERT G. BELMORE, et al)	
Plaintiffs,)	
)	
v.)	C.A. No. 15-cv-479-M-PAS
)	
AMERICAN MUSSEL)	
HARVESTERS, INC., et al.,)	
Defendants.)	
_____)	

ORDER

Plaintiffs’ Motion for Reconsideration and Renewed Motion for Conditional Class Certification (ECF No. 23) is GRANTED. There is now sufficient evidence and plausible allegations before this Court to meet the fairly lenient standard applicable for collective action under the FLSA. The Court finds that there are persons similarly situated, with potentially similar claims, to justify the conditional certification.

THEREFORE, THE COURT ORDERS AS FOLLOWS:

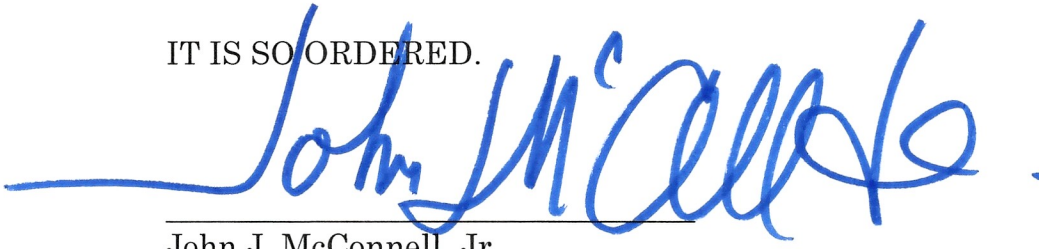
1. A class is conditionally certified consisting of all individuals employed as production workers (or other comparable positions) who were employed by Defendants and were subject to the following common practices and/or policies of the Defendants, at any time from three (3) years before the filing of the complaint to the present: (a) who were paid IRS Form W-2 compensation; and, (b) who worked more than forty hours in a workweek, and, (c) were not paid at least one and one-half times their regular rate of pay for all hours worked in excess of forty in a workweek and/or were not paid the legally mandated minimum wage for all hours worked.

2. Defendants are ordered to provide Plaintiffs' counsel with the names and last known addresses, email addresses, and telephone numbers of all putative class members within thirty (30) days, and also provide the dates of birth and last four digits of the social security number of any potential class member whose notice is returned by the post office within thirty (30) days of a request by Plaintiffs' counsel, so that Plaintiffs' counsel may provide effective notice to the putative class members.

3. Plaintiffs' counsel is authorized to: (a) mail and/or email in both English and Spanish a "Notice of Pendency of Lawsuit" substantially in the form attached to Plaintiffs' Motion for Certify Class (ECF No. 18-1) and an English and Spanish Plaintiff Consent to Sue Form substantially in the form attached to Plaintiffs' Motion to Certify Class (ECF No. 18-2) to all putative class members; and, (b) post the English and Spanish Notice and Consent forms on Plaintiffs' Counsel's firm's website or a website created specifically for the purpose of putting prospective class members on notice of this action and providing the option to execute opt-in consent forms electronically on-line; and, (c) send follow up post cards and/or emails to any class members who have not responded within thirty (30) days after the mailing and/or emailing of the initial notice.

4. Defendants are ordered to post the English and Spanish Notice and Consent forms in conspicuous locations in all Defendant corporation's worksites within thirty (30) days including, at a minimum, the lunchroom bulletin board, or bulletin board where job notices are posted, if any, and in the same areas in which it is required to post FLSA notices.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "John J. McConnell, Jr.", with a long horizontal flourish extending to the left.

John J. McConnell, Jr.
United States District Judge

April 4, 2017