

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CHRISTY ALLRED, *et al.*,)
)
 Plaintiffs,)
)
 v.) No. 3:14-CV-78-PLR-HBG
)
 SUBWAY SANDWICHES & SALADS, LLC,)
 et al.,)
)
 Defendants.)
)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Defendants' Motion to Stay Plaintiffs' Motion for Conditional Class Certification and Expedited Discovery [Doc. 27]. The Plaintiffs have responded in opposition to the Motion to Stay, and on May 19, 2014, the parties appeared before the undersigned to address both the Motion to Stay and the Motion for Conditional Class Certification. The Court finds that the Motion to Stay is now ripe for adjudication.

The Defendants move the Court to delay its decision on Plaintiff's request for a collective action until the pending Motion to Dismiss has been decided. The Defendants argue that the Plaintiffs have not demonstrated that they were employed by the entities against whom they have brought suit. [Doc. 28].

Plaintiffs respond that they have tax records and other documentation demonstrating that they were employed by the Defendants. Plaintiffs maintain that any defects in their initial pleadings have been cured through the filing of their Amended Complaint [Doc. 29]. Plaintiffs

urge the Court to address the request for a collective action because the statute of limitations on the claims of potential class members continues to run until the claimants join in the collective action. [Doc. 30].

The Court has considered the parties' positions and the cases cited to the Court. The Court finds that the Defendants have not demonstrated good cause for delaying decision on the request for a collective action. Accordingly, the Court finds that the Motion to Stay Plaintiffs' Motion for Conditional Class Certification and Expedited Discovery [**Doc. 27**] is not well-taken, and it is **DENIED**. The Court will consider the Motion for Conditional Class Certification [Doc. 32] and issue a Report and Recommendation in due course.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge