

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

**PETER LUEBKE,
individually and on behalf of
all others similarly situated,**

Plaintiff,

CASE NO. 17-cv-969

v.

**WISCONSIN ELECTRIC POWER COMPANY d/b/a
WE ENERGIES,**

Defendant.

ORDER GRANTING CONDITIONAL CLASS CERTIFICATION

Pursuant to the Plaintiff Peter Luebke's and Defendant Wisconsin Electric Power Company d/b/a We Energies' ("We Energies") Joint Stipulation to Conditionally Certify a Collective Action Pursuant to §216(b) of the Fair Labor Standards Act and Authorize Notice, **IT IS HEREBY ORDERED THAT:**

1. The following class is conditionally certified pursuant to 29 U.S.C. §216(b):

All persons who are or have been employed as hourly employees by We Energies and who have been subject to mandatory pre-shift changeover/turnover requirements by We Energies at any time since January 29, 2015.

2. We Energies shall, within ten (10) days of the Court's order granting this stipulation, identify and produce to Plaintiff's Counsel the first name, last name, last known street address, city, state, zip code, phone number, date of birth, and dates of employment, of all persons who fit within the class definition identified above. The class list will be produced to Plaintiff's Counsel as an excel spreadsheet with each field of information identified above as a separate column.

3. Plaintiff shall be permitted to send the agreed-upon Notice of Right to Join Lawsuit for Unpaid Wages Against We Energies via regular mail, to all individuals within the collective class. Consent forms postmarked within thirty (30) days after the first mailing of the Notice will be considered timely. With the exception of Notices that are returned to Counsel for Plaintiff as undeliverable, no reminder notices shall be sent by Plaintiff or his Counsel during the 30-day opt-in period. In the event the Notice is returned undeliverable, Plaintiff's Counsel shall perform a skip trace on the member of the conditionally certified collective action and shall promptly resend the Notice if forwarding information is secured.

4. Counsel for Plaintiff shall promptly file with the Court copies of each consent form that is signed and postmarked within thirty (30) days of mailing.

5. By stipulating to conditional certification of the collective class, Defendant does not waive or in any way compromise its right to seek decertification of the

conditionally certified action or otherwise challenge a FLSA collective action or Rule 23 class.

Dated at Milwaukee, Wisconsin this 26th day of February, 2018.


WILLIAM E. DUFFIN
U.S. Magistrate Judge