

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN HOBON,
individually and on behalf of
all others similarly situated,

Plaintiff,

v.

PIZZA HUT OF SOUTHERN WISCONSIN, INC.
d/b/a PIZZA HUT, *et al.*,

Defendants.

CASE NO. 17-cv-947-slc

PROPOSED ORDER GRANTING CONDITIONAL CLASS CERTIFICATION

Pursuant to the Plaintiff John Hobon and Defendants Pizza Hut of Southern Wisconsin, Inc. d/b/a Pizza Hut, Rockford Pizza, LLC, MSG Delco, LLC, Pizza Hut of Madison, Inc., Pizza Hut of Rock County, Inc., Divo Enterprises, Inc., Pizza Hut of Waunakee, Inc., Pizza Hut of Platteville, Inc., Pizza Hut of Mauston, LLC, and Southing Grange, Inc., (“Defendants”) 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 have worked at Pizza Hut of Southern Wisconsin, Inc. d/b/a Pizza Hut, Rockford Pizza, LLC, MSG Delco, LLC, Pizza Hut of Madison, Inc., Pizza Hut of Rock County, Inc., Divo Enterprises, Inc., Pizza Hut of Waunakee, Inc.,

Pizza Hut of Platteville, Inc., Pizza Hut of Mauston, LLC, and Southing Grange, Inc. as delivery drivers at any time since December 20, 2014, who were paid less than \$7.25 an hour for delivery driver work, and did not sign arbitration agreements with Defendants.

2. Plaintiff shall, within five (5) days of the filing of the Joint Stipulation to Conditionally Certify a Collective Action, identify and move to withdraw the participation of individuals who do not meet the conditional class definition set forth in Paragraph (1), above.

3. Defendants 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 (if any), and dates of employment, of all persons who meet the class definition 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.

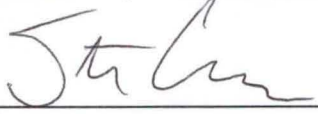
4. Plaintiff's Counsel shall be permitted to send the agreed-upon Notice of Right to Join Lawsuit for Unpaid Wages Against Defendants via email and regular mail, to all individuals within the collective class. Consent forms postmarked within forty-five (45) days after the first mailing of the Notice 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 45-day opt-in period. In the event the Notice is returned undeliverable,

Plaintiff's Counsel shall perform a skip trace on the individual and shall promptly resend the Notice if forwarding information is secured.

5. Counsel for Plaintiff shall promptly file with the Court copies of each consent form that is signed and postmarked within forty-five (45) days of mailing.

6. By stipulating to conditional certification of the collective class, Defendants do not waive or in any way compromise their right to seek decertification of the conditionally certified action or otherwise challenge a FLSA collective action or Rule 23 class.

Dated at ^{MADISON} ~~Milwaukee~~, Wisconsin this 11th day of JANUARY, 2019.



Stephen L. Crocker
U.S. Magistrate Judge