

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JAY E. REESE,

Plaintiff,

v.

Case No: 6:17-cv-1574-Orl-41GJK

FLORIDA BC HOLDINGS, LLC,

Defendant.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for Conditional Class Certification (Doc. 24). United States Magistrate Judge Gregory J. Kelly submitted a Report and Recommendation (Doc. 41), recommending that the Court grant in part Plaintiff's Motion. Specifically, Judge Kelly concluded that the class should be narrowed to encompass only those employees located at Defendant's Orlando and Daytona Beach locations. (*Id.* at 7–8). Judge Kelly also determined that the proposed notice should be amended and that sending a reminder is unnecessary. (*Id.* at 12–13).

After a *de novo* review of the record, and noting no objections were timely filed, this Court agrees with the analysis in the Report and Recommendation. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 41) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Motion for Conditional Class Certification (Doc. 24) is **GRANTED in part**.

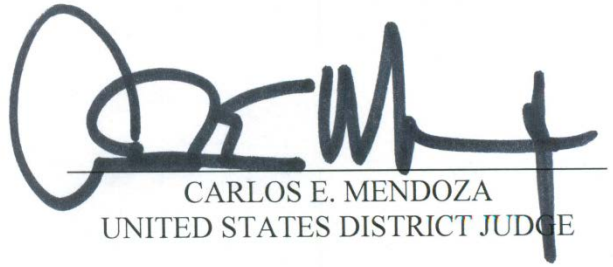
3. The following class is **CONDITIONALLY CERTIFIED** pursuant to 29 U.S.C.

§ 216(b):

All employees of Defendant who worked at the Orlando or Daytona Beach locations and (1) are or were employed by Defendant as “Sales Coordinators” during the preceding three years; (2) were classified as exempt from the FLSA; and (3) worked more than forty hours in a work week without being paid proper overtime compensation.

4. Plaintiff’s counsel is appointed as class counsel.
5. **On or before May 11, 2018**, Defendant shall provide to Plaintiff’s counsel the full names, job titles, dates of employment, last known addresses, telephone numbers, and email addresses for each individual in the class.
6. **On or before May 15, 2018**, Plaintiff shall distribute the notice and consent to-join forms (Doc. 24-2), via first class mail, to all putative class members, with the following revisions:
- a. Replace the word “misclassified” in the class definition with “classified”;
 - b. Delete “unlawfully” and “proper” from the penultimate sentence before the chart regarding “YOUR LEGAL RIGHTS AND OPTIONS”;
 - c. Delete the following sentence from the chart: “By opting in you also conserve judicial resources”; and
 - d. Delete footnote one from the notice.
7. **On or before May 22, 2018**, Plaintiff shall notify the Court of the date that the notices were mailed.
8. The Motion is **DENIED** in all other respects.

DONE and **ORDERED** in Orlando, Florida on April 30, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record