

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RONALD WARD,

Plaintiff,

v.

Case No: 6:18-cv-459-Orl-41GJK

FLORIDA BC HOLDINGS, LLC,

Defendant.

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ORDER

THIS CAUSE is before the Court on Plaintiff's Renewed Motion for Conditional Class Certification (Doc. 33), to which Defendant filed a Response Opposing Class Representative's Renewed Motion (Doc. 34). United States Magistrate Judge Gregory J. Kelly submitted a Report and Recommendation (Doc. 42), recommending that the Court grant the Motion in part and conditionally certify two classes of employees, except for two subsections. (*Id.* at 17–18).

After a *de novo* review of the record, and noting that no objections were timely filed, the Court agrees with the Report and Recommendation. It is therefore **ORDERED** and **ADJUDGED** as follows:

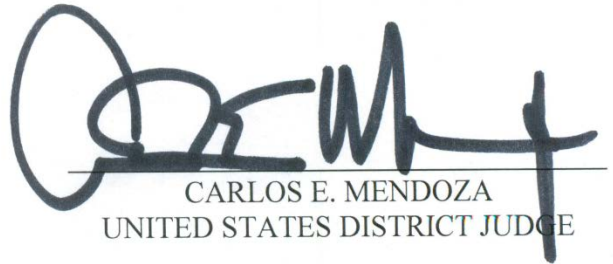
1. The Report and Recommendation (Doc. 42) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Renewed Motion for Conditional Class (Doc. 33) is **GRANTED in part and DENIED in part.**
3. This case is **CONDITIONALLY CERTIFIED** as a class action for the following classes:

- a. All Employees of Synergy who were: (1) employed by Synergy as Sales Coordinators during the preceding three years at any store other than the Orlando or Daytona Beach stores; (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.
 - b. All Employees of Synergy who: (1) are or were employed by Synergy as Sales Coordinators since November 2016; (2) worked more than forty hours in a work week; and (3) did not receive proper overtime because: (a) Synergy failed to include all weekly remuneration in Sales Coordinator's regular rate of pay when calculating the overtime rate and (b) failed to include all hours worked when calculating overtime.
4. Plaintiff's Counsel is appointed as class counsel.
5. The Proposed Notices (Doc. Nos. 33-4, 33-5) are **APPROVED**. The Misclassification Class Notice shall be amended to reflect that the class is limited to Sales Coordinators "**at any store other than the Orlando or Daytona Beach stores,**" upon the date of this Order.
6. **On or before March 10, 2019**, Defendant shall provide Plaintiff with a list containing the names, job titles, dates of employment, last known addresses, telephone numbers, and email addresses for each individual in each class.
7. **Within ten days of receiving the above list**, Plaintiff shall send the approved Notice and Consent Form containing the revision above with a self-addressed return envelope to each putative class member via first class mail.

8. **On or before seven days** from date of sending Notice deadlines, Plaintiff shall notify the Court of the date the Notices were sent.

9. The Motion is **DENIED** in all other respects.

DONE and ORDERED in Orlando, Florida on February 20, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record