

ENTERED

July 27, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

DEBRA DOLLERY,

Plaintiff,

v.

**POST ACUTE MEDICAL, LLC, POST
ACUTE MEDICAL MANAGEMENT,
LLC, and POST ACUTE MEDICAL AT
VICTORIA, LLC,**

Defendants.

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CIVIL ACTION NO. 6:18-cv-00104

ORDER

Pending before the Court are the Parties’ Joint Stipulation for Conditional Certification and Notice. (Dkt. No. 88). After reviewing the Joint Stipulation, the record and the applicable law, the Court is of the opinion that it should be **GRANTED**.

It is **ORDERED** that Plaintiff’s claims under the Fair Labor Standards Act are conditionally certified pursuant to 29 U.S.C. § 216(b) and that notice of the lawsuit shall be issued to the putative collective members, with the collective members defined as follows:

All non-exempt registered nurses, licensed practical nurses, licensed vocational nurses, certified nursing assistants, and nursing aides employed by Defendants and paid on an hourly rate basis at any time from March 16, 2017 to the Present.

It is further **ORDERED** that the Parties’ proposed Notice of Collective Action Lawsuit (Dkt. No. 88) is approved as to form.

It is further **ORDERED** that Defendants shall provide Plaintiff’s counsel an updated list of names, last known home addresses, all available telephone numbers, and all available email addresses in Defendants’ possession for the Collective members within twenty-one (21) days of

this Order. Defendants shall also provide the work locations, and the beginning and end dates of employment for all Collective members. Defendants shall provide such information in a computer-readable format, such as Microsoft Excel Spreadsheet.

It is further **ORDERED** that, given the current pandemic of COVID-19 and the preventions in place to prevent its spread, the Parties will work together to extend this proposed timetable in the event that resources necessary to collect this information are scarce or unavailable due to pressing business needs, such as providing care, resources, and support to the treatment of patients and facilities that may be impacted.

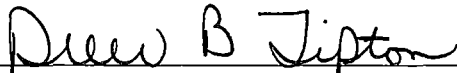
The Court **APPOINTS** Heffler Claims Group as the third-party notice administrator to provide the Notice of Collective Action Lawsuit and Opt-In Consent Form to all persons identified in Defendants' list, pursuant to the Parties' agreement. Plaintiff shall pay the costs of the Notice Administrator, subject to claiming the costs as a reimbursable litigation expense.

It is further **ORDERED** that eligible persons shall be given ninety (90) days from the earliest date on which the Notice and Opt-In Consent Form is sent via first class mail, the date on which the Notice and Opt-In Consent Form is sent via email, or the date on which it is posted electronically, in which to return their Opt-In Consent Form (received, postmarked, or completed via an electronic signature service shall be deemed valid) to the Notice Administrator or Plaintiff's counsel. Eligible persons who have not submitted their Opt-In Consent Form after 30 days will receive a reminder by mail and/or email (where available) from the Notice Administrator.

It is further **ORDERED** that Plaintiff's counsel may cure and re-file any Opt-In Consent Forms that were filed and later found to be deficient, and Plaintiff's counsel may also post a copy of the Notice and Opt-In Consent Form on its firm website.

It is SO ORDERED.

Signed this 27th of July, 2020.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE