UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DANIEL RUDDELL, on his own behalf and on behalf of those similarly situated,

CASE NO.: 3:14-cv-00873-MMH-MCR

Plaintiffs,

vs.

FLAGLER COUNTY SHERIFF'S OFFICE and JAMES L. MANFRE, Individually and in his official capacity as Sheriff of FLAGLER COUNTY SHERIFF'S OFFICE,

Defendants. /

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND INCORPORATED MEMORANDUM OF LAW

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiff, DANIEL RUDELL, on behalf of himself and those similarly situated, hereby files this Motion for Class Certification against Defendants seeking certification of a class of Deputy Sheriffs/Road Deputies ("Deputies") who worked for Defendants under Count II (Florida Law violations) of the Amended Complaint [D.E. 18]. The grounds for Plaintiff's Motion for Class Certification are set forth as follows:

BACKGROUND AND PRELIMINARY STATEMENT

Plaintiff filed an amended complaint on September 30, 2014 alleging unpaid overtime compensation pursuant to the Fair Labor Standards Act ("FLSA") and unpaid wages pursuant to Florida Law. [D.E. 18]. Plaintiff was employed by the Defendant, Flagler County Sheriff's Office ("FCSO") as a Deputy Sheriff/Road Deputy. Plaintiff and Defendants had an agreement wherein Plaintiff was to be paid an hourly wage by Defendants for all hours worked in exchange

for services provided by Plaintiff. Plaintiff and other Deputy Sheriffs/Road Deputies were required to attend mandatory "shift briefings" while off-the-clock, which resulted in both unpaid regular hours worked and unpaid overtime hours worked. *See* Declaration of Daniel Ruddell, ¶ 5, 7. Plaintiff's FLSA Count I alleges unpaid overtime compensation as a result of the unpaid shift briefings. Plaintiff's Florida Law Count II alleges unpaid (non-overtime) wages for regular hours worked as a result of the unpaid shift briefings. [D.E. 18]. This Court should certify Plaintiff's Florida Law claim (Count II) as a class pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3). The Plaintiff's proposed class definition is:

> **All "deputy sheriff/road deputy" employees who worked for Defendants within the last two (2) years who were not paid at least their agreed upon hourly wage for all hours worked in one or more workweeks.**

The Plaintiff's proposed class meets all of the requirements for class certification: members of the proposed class are identifiable and numerous, there are common questions of law and fact, the proposed class representative has claims that are typical of the class, and that will fairly and adequately represent class interests. Plaintiff seeks class certification under Rule 23(b)(3)[1] because common legal and factual issues predominate over any individual issues, and a class action is superior to other available methods for a fair and efficient adjudication of this case.

Further, Plaintiff should be permitted to circulate a class action notice to all putative class

1 By separate Motion, Plaintiff also seeks FLSA conditional certification regarding Count I involving unpaid overtime compensation. "Hybrid class action suits under Rule 23 and 29 U.S.C. § 216(b) ... may proceed without conflict." *Bennett v. Hayes Robertson Grp., Inc*., 880 F.Supp.2d 1270, 1276 (S.D.Fla.2012) (citations omitted); see also e.g. *Shahriar v. Smith & Wollensky Rest. Grp., Inc*., 659 F.3d 234, 245–50 (2d Cir.2011) (court had supplemental jurisdiction over Rule 23 class action regarding state minimum wage law invalid tip-pooling claims where state law and FLSA actions "clearly derive from such a common nucleus of operative facts since they arise out of the same compensation policies and practices" of restaurant, and "the 'conflict' between the opt-in procedure under the FLSA and the opt-out procedure under Rule 23 is not a proper reason to decline jurisdiction"). As such, " 'claims subject to certification under § 216(b) may appropriately be brought in the same lawsuit as claims subject to certification under Rule 23 where, ..., the essential facts and issues regarding each set of claims are likely to be the same and proceedings are not likely to be rendered unduly burdensome by inclusion of both sets of claims.' " Id. at 1277(citation omitted).

members. Therefore, Plaintiff requests that the Court compel the Defendants to produce a complete and accurate employee list of all "Deputy" employees who worked for Defendants during the two (2) years preceding this action up until the date this Court decides this motion.

Finally, Plaintiff seeks leave to appoint Daniel Ruddell as Class Representative, and Plaintiff's counsel as class counsel pursuant to Rule 23(g). The proposed Class Representative and class counsel are respectively qualified, and will fairly and adequately represent the interests of members of the proposed class.

This lawsuit seeks damages in the amount to which Plaintiff and the class members are entitled as a result of Defendants' underpayment of wages under Florida law. The lawsuit also seeks interest, and attorneys' fees and costs.

WHEREFORE, Plaintiff respectfully requests that the Court certify a class of all Deputies who meet the class definition, and permit and supervise notice to all current and former Deputies who did not receive payment of at least their agreed upon hourly wage for all hours/weeks worked during his/their employment with Defendants.

Statement of Facts

FCSO is a law enforcement agency in Flagler County, Florida. *See* Defendant's website at http://www.myfcso.us. FCSO employs over two hundred and fifty (250) employees in various positions to include law enforcement officers[2]. *See* Web Excerpt from Defendants' website attached hereto as **Composite Exhibit A**.

This class action lawsuit involves simple facts which show an egregious violation of Florida law. Defendants required their Deputies to attend mandatory "shift briefings" while off-the-clock, which resulted in both unpaid regular hours worked and unpaid overtime hours

2 This includes road deputies/deputy sheriffs.

worked. Plaintiff estimates that there were approximately three hundred (300) Deputies who were employed by Defendants in the applicable statute of limitations time period. Each of these Deputies were paid by the hour, performed work as Deputy Sheriffs/Road Deputies, and were not compensated for their attendance at mandatory pre-shift briefings. *See* Declaration of Daniel Ruddell, ¶ 5, 7; Declaration of Chris Ragazzo, ¶ 4, 6; Declaration of Anthony Macchia, ¶ 4, 6; Declaration of August Anirina, ¶ 4, 6; attached as **Composite Exhibit B**.

Furthermore, the attached Declaration of Plaintiff confirms that the Defendants required all of their Deputies to arrive for the mandatory shift briefings at least fifteen (15) minutes prior to a scheduled shift, while off-the-clock, and that the FCSO **acknowledged** that this policy is contrary to the FLSA with respect to unpaid overtime. *See* Declaration of Daniel Ruddell, ¶ 5, 7 & 8, Attachment 1. However, this policy also resulted in unpaid regular hours worked. *Id.* at ¶7.

As a result of this clear violation of the law, Plaintiff seeks to represent a class of Defendants' current and former Deputies who were subjected to Defendants' improper pay practices. This case is ideal for class action treatment as Defendants' common course of conduct affected all Deputies in a uniform fashion. In addition, it would also be inefficient for each class member to sue the Defendants individually for the individual damages at stake here.

MEMORANDUM OF LAW

I. Plaintiff Satisfies His Burden To Establish a Class Action Under Rule 23

The question of whether to certify a class is left to the sound discretion of the district court. *Babineau v. Federal Express Corp.*, 576 F.3d 1183, 1189 (11th Cir. 2009). Rule 23 of the Federal Rules of Civil Procedure is to be liberally construed. *See Marisol v. Giuliani*, 126 F.3d 372, 377 (2d Cir. 1997) (asserting that Rule 23 is given liberal rather than restrictive construction and courts should adopt a standard of flexibility). "Where there is a question as to whether

certification is appropriate, the Court should give the benefit of the doubt to approving the class." *In re Workers' Compensation*, 130 F.R.D. 99, 103 (D. Minn. 1990); *see also Sharif ex rel. Salahuddin v. New York State Educ. Dept*., 127 F.R.D. 84, 87 (S.D.N.Y. 1989) (asserting that if an error is to be made regarding class certification, it is to be in favor of and not against the maintenance of a class action).

Certification of a case as a class action is proper where the movant satisfies the four requirements of Rule 23(a) and at least one of the conditions under Rule 23(b). *Garcia – Celestino v. Ruiz Harvesting, Inc.,* 280 F.R.D. 640, 644-45 (M.D. Fla. 2012). Determination of a class is procedural and does not depend on whether a plaintiff will ultimately prevail on the substantive merits of the claims. *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 178 (1974). When considering a motion for class certification, the court accepts as true all well pleaded factual allegations. *Garner, et al. v. Healy, et al.*, 184 F.R.D. 598, 599 (E.D. Ill. 1999). Because Plaintiff satisfies the requirements of Rule 23(a) and the requirements of Rule 23(b)(3), Plaintiff's Motion should be granted and this Court should certify the proposed class.

A. Plaintiff and the Class Meet the Requirements of Rule 23(a)

Under Rule 23(a) there are four prerequisites to the maintenance of a class action: (1) the class must be so numerous that joinder of all members is impracticable ("numerosity"); (2) there must be questions of law or fact common to the class ("commonality"); (3) the claims or defenses of the representative parties must be typical of the claims or defenses of the class ("typicality"); and (4) it must appear that the representative parties will fairly and adequately protect the interests of the class ("adequate representation"). These four requirements for certification are met here.

1. <u>The Class is so Numerous That Joinder of all Members is Impracticable.</u>

The numerosity requirement is met if the class is so large that joinder of all members would be impracticable. *Cox v. American Cast Iron Pipe Co.*, 784 F.2d 1546, 1557 (11th Cir. 1986). If the class has over **40 members**, it is adequate to satisfy the numerosity requirements. *Id.* at 1553; *see also* C. Wright, A. Miller and M. Kane, 7A *Federal Practice & Procedure* § 1762 (2d ed. 1986) (classes of less than 26 have frequently been found too small to satisfy the numerosity requirement).

Plaintiff easily satisfies this factor. The five (5) consent forms executed by the five (5) plaintiffs who have joined the proposed FLSA collective action and four (4) Declarations of former FCSO Deputies which are attached to this Motion confirm that the class size is well above the number required for numerosity. *See* Composite Exhibit B and D.E. Nos. 3, 4, 8-1, 9-1, 19-1. Plaintiff confirms that there are a total of approximately one-hundred (100) to one hundred and fifty (150) Deputies employed by the FCSO in any given year. Declaration of Daniell Ruddell, ¶ 5. Using this number as an average number of Deputies employed by the FCSO per year, the class size could as large as three hundred (300) individuals. Thus, the class is so numerous as to make joinder impracticable. As long as the court can draw reasonable inferences from the facts before it as to the approximate size of the class and the infeasibility of joinder, the numerosity requirement is satisfied. *See Mullen v. Treasure Chest Casino, LLC*, 186 F.3d 620, 624-625 (5th Cir. 1999) (finding numerosity by inferring that the approximate size of the class and the transient nature of the employment of the class members would render joinder impracticable). Thus, the requirement of Rule 23(a)(1) has been met.

2. There are Questions of Law and Fact Common to the Class.

Commonality requires the presence of either a common question of law or fact. *Kirkpatrick v. J.C. Bradford & Co.*, 827 F.2d 718, 725 (11th Cir. 1987). The commonality

requirement is not a demanding one. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1019 (9th Cir. 1998). It is not necessary that all the questions of fact and law affecting class members be common. *Cox*, 784 F.2d at 1557. "Rather, the issue turns on whether there exists at least one issue affecting all or a significant number of proposed class members." *Kreuzfeld A.G. v. Carnehammar*, 138 F.R.D. 594, 599 (S.D. Fla. 1991). "The commonality element is generally satisfied when a plaintiff alleges that '[d]efendants have engaged in a standardized course of conduct that affects all class members.' " *In re Checking Account Overdraft Litigation*, 275 F.R.D. 666, 673 (S.D. Fla. 2011) (citing *In re Terazosin Hydrochloride,* 220 F.R.D. 672, 687 (S.D.Fla.2004); *Agan v. Katzman & Korr, P.A.,* 222 F.R.D. 692, 697 (S.D. Fla. 2004); *In re AmeriFirst Sec. Litig.,* 139 F.R.D. 423, 428 (S.D. Fla. 1991). The Florida Supreme Court has held that the "primary concern in the consideration of commonality is whether the representative's claim arises from the same practice or course of conduct that give rise to the remaining claims and whether the claims are based on the same legal theory." *Sosa v. Safeway Premium Finance Co.*, 73 So.3d 91, 107 (Fla. 2011). "However, it is not necessary that all members of the class have identical claims." *Garcia –Celestino,* 280 F.R.D. at 646.

The questions of law and fact in this case are undeniably common. The subject of the action is Defendants' uniform policy of requiring Deputies to attend mandatory shift briefings without compensation. Defendants cannot deny that all their Deputies were paid by the hour, were required to attend mandatory shift briefings without pay within the statutory period, and are entitled to be paid their agreed upon hourly wage for each hour worked. All the class members share an interest in precluding these activities and recovering appropriate damages.

More specifically, Plaintiff's allegations present numerous common questions of law or fact as to all class members as follows:

a) Whether class members were required to attend mandatory shift briefings;

b) Whether class members performed work while off the clock;

c) Whether class members are entitled to compensation for these hours worked under Florida Law; and

d) What remedies are appropriate compensation for the damages caused to Plaintiff and each member of the class.

This incomplete list of common questions of both law and fact unquestionably satisfies Rule 23(a)(2) as these fundamental questions pertaining to Defendants' common pay practices rely upon a single set of operative facts and are central to the resolution of the claim of the Plaintiff and each member of the proposed class. Where, as here, the class members all seek recovery based on the same common interest, and share a common interest in obtaining the relief sought, the commonality requirement is satisfied. *See Morgan v. Coats,* 33 So. 3d 59 (Fla. 2 DCA 2010) (holding commonality requirement met and certifying under Rule 23 a class of sheriffs alleging unpaid meal breaks).

Because common issues of fact and law exist, the commonality requirement of Rule 23(a)(2) has been met.

3. <u>Plaintiff's Claim is Not Only Typical but Identical to that Presented by the Class.</u>

"A class representative must possess the same interest and suffer the same injury as the class members in order to be typical under Rule 23(a)(3). The typicality requirement may be satisfied despite substantial factual differences, however, when there is a 'strong similarity of legal theories.'" *Murray v. Auslander*, 244 F.3d 807, 811 (11th Cir. 2011) (citations omitted); *see also* 1 H. Newberg, *Newberg on Class Actions* § 3.13 at 3-71 (3d ed. 1992) (asserting that "a plaintiff's claim is typical if it arises from the same event or practice or course of conduct that

gives rise to the claims of other class members, and if his claims are based on the same legal theory").

The proposed class representative in this class action asserts a claim that is not only typical of, but is actually identical to, those of the other members of the proposed class. All claims of all proposed class members are based on the same legal theory: that Defendants improperly required their Deputies to attend mandatory shift briefings without compensation. All class members seek the same form of damages. This set of circumstances satisfies the typicality requirement.

4. Plaintiff and His Counsel Will Fairly and Adequately Represent the Interests of the Class.

"Rule 23(a)(4) requires that 'the representative parties will fairly and adequately protect the interests of the class.' There are two separate inquiries under this section: (1) whether there are any substantial conflicts of interest between the named representative of the class and the class members; and (2) whether the representatives will adequately prosecute the action." *Garcia –Celestino,* 280 F.R.D. at 647.

Here, Plaintiff and the class have a common interest in asserting their rights. There is no conflict of interest between Plaintiff and the absent members of the class as both will only receive damages on the exact same legal theory. As the Fifth Circuit in *In re Corrugated Container Antitrust Litig.,* 643 F.2d 195 (5th Cir. 1981), *cert. denied*, 456 U.S. 988 (1982), explained:

> [S]o long as all class members are united in asserting a common right, such as achieving the maximum possible recovery for the class, the class interests are not antagonistic for representation purposes.

Id. at 208. Here, Plaintiff's interests are not antagonistic to or in conflict with the interests of the other class members since their claims are typical of and held in common with the claims of all members of the class. Plaintiff is seeking the same damages for the class as he is for himself and can adequately represent the class and prosecute this action to the fullest extent.

Additionally, Plaintiff's counsel will zealously represent the class and prosecute this matter. With respect to this criterion, courts look to the skill and experience of Plaintiff's counsel rather than the personal qualifications of the named plaintiffs. *Horton v. Goose Creek Indep. Sch. Dist.*, 690 F.2d 470, 484 (5th Cir. 1982), *cert. denied*, 463 U.S. 1207 (1983) (the adequacy requirement mandates an inquiry into the zeal and competence of the representative's counsel). Plaintiff's counsel in the instant case will provide fair and adequate representation for the class and have identified and investigated the claims at issue. In particular, the class will be represented by counsel with an outstanding record of accomplishment in the prosecution of wage and hour actions.

In this regard, counsel for the proposed class is particularly well-suited for this case. Morgan and Morgan P.A. has regularly engaged in major complex wage and hour litigation and has broad experience in employee-based, complex litigation which is similar in size, scope and complexity to the present case. The experience of Plaintiff's counsel in effectively litigating complex wage and hour actions will insure the fair and adequate representation of the class in the case at bar. *See* Affidavit of Kimberly De Arcangelis Woods attached as Exhibit C. If this Court grants Plaintiff's Motion, this Court should appoint Morgan & Morgan, P.A. and the undersigned attorney as class counsel pursuant to Rule 23(g).

B. The Class Fulfills the Requirements of Rule 23(b)(3)

In addition to satisfying the requirements of Rule 23(a), the proposed class must be maintainable under one of the provisions of Rule 23(b). Plaintiff seeks certification of the class claims under Rules 23(b)(3).

"For class certification to be appropriate under Rule 23(b)(3), common questions must predominate over questions that affect only individual members and the class action must be a superior method for a "fair and efficient adjudication of the controversy."" *Garcia –Celestino,* 280 F.R.D. at 647 (quoting *Cooper v. Southern Co.*, 390 F.3d 695, 722 (11th Cir. 2004).

1. Common Questions of Law and Fact Predominate

The common questions of law and fact affecting proposed class members in this case predominate over questions that may affect individual members. In analyzing predominance, as with commonality, "[i]t is not necessary that all questions of fact or law be common, but only that some questions are common and that they predominate over individual questions." *Cox*, 784 F.2d at 1557. "In determining whether the predominance standard is met, courts focus on the issue of liability, and if the liability issue is common to the class, common questions are held to predominate over individual ones." *In re Kirschner Medical*, 139 F.R.D. 74, 80 (D. Md. 1991).

In this case, the common issue of liability for the entire class involves Defendants' policy which illegally required their Deputies to attend mandatory uncompensated shift briefings while off the clock. Questions of law or fact common to the members of the class will predominate over questions affecting only individual members. Defendants systematically engaged in the unlawful conduct at issue with each of their Deputies, and even acknowledged that this policy was contrary to the FLSA. *See* Declaration of Daniel Ruddell, ¶ 8, Attachment 1. With respect

to all class members, the Defendants' liability will hinge on the same legal and factual questions, i.e., whether the Deputies were paid their agreed upon hourly wage for each hour worked.

Common questions of law predominate notwithstanding differences in the specific amounts of damages each class member may be entitled to recover. "Numerous courts have recognized that the presence of individualized damages issues does not prevent a finding that the common issues in the case predominate." *Allapattah Servs. V. Exxon Corp.*, 333 F.3d 1248, 1261 (11th Cir. 2003). "Although the amount of damages suffered is generally an individual matter, this issue should not preclude a finding of predominance." *In re United Energy Corp. Solar Power Modules Tax Shelter Invs. Sec. Litig.*, 122 F.R.D. 251, 254 (C.D. Cal. 1988) (citing *Blackie v. Barrack*, 524 F.2d 891, 905 (9th Cir. 1975)). Here, no other individual issue exists which would not be dominated by the common questions of law and fact shared by the class members.

2. <u>A Class Action is Superior to Other Available Methods of Adjudication.</u>

Not only do common questions predominate in the present litigation, but also as required by subsection (b)(3), a class action in this case "is superior to other available methods for the fair and efficient adjudication for the controversy." As the United States Supreme Court held, concerns of fairness and efficiency for a class action are superior to hundreds of separate individual trials:

> The policy at the very core of the class action mechanism is to overcome the problem that small recoveries do not provide the incentive for any individual to bring a solo action prosecuting his or her rights. A class action solves this problem by aggregating the relatively paltry potential recoveries into something worth someone's (usually an attorney's) labor.

Amchem Products Inc. v. Windsor, 117 S.Ct 2231 (1997) (quoting *Mace v. Van Ru Credit Corp.*, 109 F.3d 338, 344 (7th Cir. 1997); *accord Tenney v. Miami Beach*, 152 Fla. 126, 11 So.2d 188, 189 (1942) ("The very purpose of a class suit is to save a multiplicity of suits, to reduce the expense of litigation, to make legal processes more effective and expeditious, and to make available a remedy that would not otherwise exist.").

In assessing whether a class action is superior, the Court looks to the four non-exclusive matters listed Rule 23(b)(3). These factors are as follows:

(A) the class members' interests in individually controlling the prosecution or defense of separate actions;

(B) the extent and nature of any litigation concerning the controversy already begun by or against class members;

(C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and

(D) the likely difficulties in managing a class action.

In this matter, no individuals have expressed an interest in controlling their own separate action. *See* Affidavit of Kimberly De Arcangelis Woods Attached as Exhibit C. Five (5) individuals have already come forward and retained the undersigned counsel to pursue their rights to their unpaid hourly and overtime wages. This alone shows that many class members do not want to maintain their own individual actions, but wish to join a putative class action. If this matter is not certified as a class and/or collective action, then these individuals will be forced to file individual lawsuits, which would flood the court's docket and even possibly result in varying and inconsistent verdicts. Additionally, there are numerous putative class members who are unaware that they have rights to additional wages. The choice between individual actions and a

class action is likely not a choice for these unaware individuals because no class action would result in no potential relief at all for them.

This particular case is well suited for class certification. In a very similar lawsuit brought by Deputies against the Pinellas County Sheriff, the District Court of Appeals overturned the lower circuit court's order denying class certification. *See Morgan v. Coats,* 33 So. 3d 59 (Fla. 2 DCA 2010). The Plaintiff in *Morgan* alleged that he and other deputies were required to arrive thirty (30) minutes before their shift for a roll call or "read off" and also required to remain at the jail and on-call during an unpaid thirty minute meal break. *Id.* at 62-63. The basis for Morgan's claim was that this resulted in an 8.5 hour work day, but that the Deputies were only compensated for eight (8) hours. *Id.* at 63. The court circuit court denied class certification on the basis that Morgan failed to prove the commonality and typicality prongs of the class certification test, that Morgan failed to prove that common issues predominated over individual questions, and that class action status was the superior means of adjudicating the controversy. *Id.* at 62. However, the District Court disagreed and held that Morgan met all of the requirements to warrant class certification just as Plaintiff has done here.

This matter is also the only lawsuit against Defendants related to Deputies' claim for unpaid wages. Additionally, this forum is ideally situated to concentrate the litigation as Defendants' office is located within this Court's division and the record evidence and documents needed are stored there. Lastly, there is no likely difficulty in managing this matter as a class action as Plaintiff's counsel is experienced in managing numerous wage and hour actions and courts routinely certify such employment based class actions. *See* Affidavit of Kimberly De Arcangelis Woods attached as Exhibit C. In short, based on the above, a class action is superior to any other method of resolving this litigation and Plaintiff has met her burden under Rule

23(b)(3).

III. Conclusion

For the foregoing reasons, Plaintiff respectfully requests that the Court certify the class as defined herein under Rule 23 of the Federal Rules of Civil Procedure. Plaintiff more than meets his burden of numerosity, commonality, typicality and adequacy described in Rule 23(a). Plaintiff also meets his burden to certify this matter as a class action under Rule 23(b)(3) because the common questions of fact and law over whether Deputies were paid their correct wages due to Defendants' mandatory off-the-clock policy predominates over any individual questions.

WHEREFORE, Plaintiff, DANIEL RUDDELL, on behalf of himself and others similarly situated, respectfully requests an Order:

1. Certifying Count II of the Complaint as a class action;
2. Defining the class as: All "deputy sheriff/road deputy" employees who worked for Defendants within the last two (2) years who were not paid at least their agreed upon hourly wage for all hours worked in one or more workweeks;
3. permitting Plaintiff to circulate a class action notice to all putative class members;
4. Naming Daniell Ruddell as class representative;
5. Naming Kimberly De Arcangelis Woods of Morgan & Morgan, P.A., as class counsel.
6. Ordering Defendants to produce to undersigned counsel within fourteen (14) days of the Order granting this Motion a list containing the names, the last known addresses, phone numbers and e-mail addresses of putative class members who worked for Defendants as Deputies between September 30, 2012, and the present;

7. Providing all individuals whose names appear on the list produced by Defendants with forty-five days (45) from the date the notices are initially mailed to exclude themselves from this matter; and

8. Any other relief that is just and proper.

Respectfully submitted this 21st day of October, 2014.

/s/ Kimberly De Arcangelis Woods
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 21, 2014, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which I understand will send a notice of electronic filing to all counsel of record.

/s/ Kimberly De Arcangelis Woods
Kimberly De Arcangelis, Esq.