

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
SHAWN FORTE,

Plaintiff,

v.

STRAND TRANS, LLC,

Defendant.

-----

ORDER

13-cv-211-bbc

In this proposed collective action brought under the Fair Labor Standards Act, plaintiff Shawn Forte seeks to represent a class of hourly employees who are drivers for defendant Strand Trans, LLC and are not receiving overtime pay. Now before the court is the parties' stipulation for conditional certification under 29 U.S.C. § 216(b), along with a proposed notice to potential class members. Dkt. #7.

To obtain conditional certification under the FLSA, plaintiff must make "a modest factual showing" that he and potential class members were "victims of a common policy or plan that violated the law." Espenscheid v. DirectSat USA, LLC, 2010 WL 2330309, \*6 (W.D. Wis. June, 7, 2010); Kelly v. Bluegreen Corp., 256 F.R.D. 626, 628-89 (W.D. Wis. 2009). Accompanying the parties' stipulation is a declaration from plaintiff in which he says that he and other drivers for defendant are paid the same amount for time they work over 40 hours a week as they are paid for time under 40 hours a week. Dkt. #8. That allegation

is sufficient to make a modest factual showing. Accordingly, I will approve the parties' stipulation for conditional certification. In addition, I will approve the parties' proposed notice to the class, with one exception. The notice says that it has been approved by "the Honorable William Conley." Obviously, that should be changed to Barbara Crabb.

ORDER

IT IS ORDERED that the parties' stipulation for conditional certification under 29 U.S.C. § 216(b), dkt. #7, is APPROVED. Plaintiff Shawn Forte may send out the proposed notice after making the change identified in this order.

Entered this 14th day of August, 2013.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge