

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

ERIC SCHILLING and BLAINE KROHN,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

PGA, INC.,

Defendant.

ORDER

16-cv-202-wmc

The court is in receipt of the parties' stipulation of conditional certification of a collective action under 29 U.S.C. § 216(b). (Dkt. #23.) That stipulation is ACCEPTED. The parties attached two versions of a proposed notice and explained in the stipulation that they could not agree on two issues: (1) the description of defendant's defenses; and (2) the number of days putative collective action members have to file consent forms. (*Id.* at ¶ 7.) The parties request that they be allowed to file briefs on those two issues, but given their straight-forward nature, no briefing is necessary. As for the first issue, the court directs the parties to include the following description of defendant's defenses, located as option A in plaintiff's draft notice: "PGA denies Plaintiffs' allegations and denies that it violated the FLSA. PGA contends that it properly compensated its employees for all compensable time under all applicable state and federal laws." This description is broad and unequivocal, and there is no need, at least at this time, to delve into the details of PGA's defenses. As for the second issue, it is the court's general practice to provide collective action members 60 days to file consent

forms. The court sees no reason to deviate from that norm in this case. Accordingly, plaintiff is directed to mail copies of plaintiff's proposed notice (dkt. #23-2), with the edits described above, within 10 days. Defendant is also directed to post the notice in a conspicuous place available to employees.

Entered this 3rd day of November, 2016.

BY THE COURT:

William M. Conley
District Judge