

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATTY THOMAS, et al.,

Plaintiffs,

v.

KELLOGG COMPANY, and KELLOGG
SALES COMPANY,

Defendants.

CASE NO. C13-5136 RBL

ORDER ON MOTION FOR
RECONSIDERATION

[Dkt. #168]

THIS MATTER is before the Court on Defendants’ Motion for Reconsideration or Clarification [Dkt. #168] of the Court’s Order [Dkt. #166] conditionally certifying the FLSA collective action. Kellogg sought clarification that it was required to produce the names of potential members in five days, and raised issues about the notices that the Plaintiffs proposed to send.

The Court suspended the five day requirement and sought Plaintiffs’ input on the notice issues [Dkt. #169], which it has now received and considered [Dkt. #173].

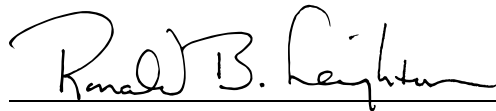
The Court will not alter its prior approval of the proposed notice mechanism, *except* the Reminder Notices should be *revised* to include the admonition that the member has the right to obtain independent counsel. The current Reminder is in conflict with the Notice itself, in that it

1 suggests that the only way to participate is to send a Consent to the current plaintiffs' law firm.
2 The Reminder Notices should, like the Notices themselves, make it clear that this is not the case.

3 Additionally, the Court will not deem that the limitations period was tolled while this
4 Motion was pending. Otherwise, the Motion for Reconsideration or Clarification [Dkt. #168] is
5 DENIED.

6 IT IS SO ORDERED.

7 Dated this 24th day of January, 2014.

8 

9 RONALD B. LEIGHTON
10 UNITED STATES DISTRICT JUDGE