

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SHERI MOSLEY individually and
on behalf all others similarly situated,

Plaintiff,

v.

Case No: 3:19-cv-00379-TJC-JRK

**LOZANO INSURANCE ADJUSTERS,
INC., FRANK LOZANO, LISETTE
LOZANO, and ANCHOR INSURANCE
HOLDINGS, INC.,**

Defendants.

PARTIES' REPORT REGARDING SETTLEMENT

The Parties jointly submit this Report Regarding Settlement pursuant to the FLSA Scheduling Order, DE. 4, ¶ 5.

Plaintiff Sheri Mosely filed a Complaint in this action on April 4, 2019 alleging claims on behalf of herself and similarly situated persons. DE. 1. The Court designated the case as a Track Two case and issued a FLSA Scheduling Order because the Complaint brings claims under the Fair Labor Standards Act. DE. 4, Track Notice and FLSA Scheduling Order.

The Parties have complied with the requirements of the FLSA Scheduling Order, including filing Certificates of Interested Persons and Corporate Disclosures, DE24 and 25; Plaintiffs answered the Court's Interrogatories, DE 27; Defendants served and filed a Verified Summary of all hours worked by Plaintiff and served a copy of the time sheets and payroll records that support the Verified Summary, DE. 37; and counsel for the Parties met on July 29 in Tampa and conferred in person in a good faith effort to settle all pending issues, Florida.

Although the Parties did not settle all pending issues at the July 29 meeting, they wish to continue settlement discussions. They agree on the following schedule for their continued efforts:

1. By August 8, 2019, the Parties shall file a joint motion to send FLSA notice to the following group:

Individuals who worked for Lozano Claims Adjusters in Florida as licensed insurance claims adjusters and who were classified as independent contractors, paid a day rate for their work, and not paid overtime wages for hours worked more than 40 in a week between April 4, 2016 and the date of final judgment in this matter (the "FLSA Collective");

2. Within seven days of the Court's Order approving the notice and process, Defendants will provide Plaintiffs' counsel with the FLSA Collective members' names, last known mailing address, last known personal email address, last known mobile telephone number, dates of employment, and an employee number or unique identifier for each FLSA Collective member. They will produce the information in separate columns in a manipulable electronic spreadsheet format such as Excel ("Notice List");
3. Within seven days of receiving the Notice List, Plaintiffs shall send the notice to the FLSA Collective members. Parties will endeavor to submit an agreed upon notice to the Court for approval;
4. FLSA Collective Members shall have 60 calendar days from the issuance of notice to join their claims to the action ("Notice Period");
5. Within seven days of the end of the Notice Period, Defendants shall provide Plaintiffs' Counsel with certain agreed upon data needed to determine individual FLSA Collective members' damages ("Settlement Data") however, the Defendants need not wait until the end of the notice period to provide data to Plaintiffs;
6. Within 30 days of receiving the complete Settlement Data, Plaintiffs shall present a settlement demand to the Defendants;
7. Within 30 days of receiving the demand, the parties shall schedule a mediation to resolve the claims in the case; and
8. Within ten days of the conclusion of the mediation, the Parties shall report the results of the mediation to the Court.
9. Neither party waives any claim or defense by participating in settlement discussions.
10. The Parties agree that the statute of limitations on claims shall be tolled from this day until the end of the notice period or until either party provides written notice to the other that it revokes its agreement to toll.

The Parties respectfully request that the Court grant them the additional time described above to continue their settlement efforts.

August 2, 2019

Respectfully submitted,

/s/ Michael J.D. Sweeney

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