

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

Samuel Peacock,

*On behalf of himself and those similarly
situated,*

Plaintiff,

v.

First Order Pizza, LLC, *et al.*;

Defendants.

Case No. 2:22-cv-02315

Judge Samuel H. Mays, Jr.

JURY DEMAND

MOTION FOR CONDITIONAL CERTIFICATION OF FLSA COLLECTIVE ACTION

Pursuant to 29 U.S.C. § 216(b), Plaintiff Samuel Peacock hereby moves this Court for an Order conditionally certifying this case as an FLSA collective action, and authorizing him to send notice of the pendency of this action to his similarly-situated co-workers. Specifically, Plaintiff seeks conditional certification of the following employees:

All current and former delivery drivers employed at Defendants' Domino's stores between the date three years prior to filing of the original complaint and the date of the Court's Order approving notice.

Plaintiff respectfully requests the Court to additionally authorize Plaintiff to send notice of this action to the delivery drivers who have worked at Defendants' Domino's stores dating back three years prior to the filing of the complaint, approve the Plaintiff's proposed notices and methods of disseminating notice, order Defendants to provide name and contact information for all potential opt-in plaintiffs within 14 days of the court's order, and authorize a 60-day opt-in period.

The arguments in support of Plaintiff's Motion are more fully set forth in Plaintiff's Memorandum of Law in Support of Motion for Conditional Certification of FLSA Collective Action.

Respectfully submitted,

/s/ Riley Kane

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Counsel for Plaintiff

Certificate of Consultation

Pursuant to L.R. 7.2(a)(1)(B), Counsel for Plaintiff hereby affirms that, after consultation between the Parties regarding FLSA collective action conditional certification and sending notice, the Parties are unable to reach an accord as to all issues requested in Plaintiff's Motion.

On July 5, 2022, at approximately 4:29 PM EST, Plaintiff's counsel Riley Kane and Defendants' Counsel Courtney Leyes held a telephone conference where Plaintiff informed Defendants of his intention to file a motion for FLSA collective action conditional certification and to send notice. Defendants' Counsel indicated that Defendants would not consent to such a motion and intended to oppose such a motion, if filed. As a result, the Parties are at an impasse.

/s/ Riley Kane _____
Riley E. Kane

Certificate of Service

I hereby certify that a copy of the foregoing was filed electronically on July 6, 2022. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Riley Kane
Riley E. Kane