

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

<b>SAMUEL PEACOCK, <i>on behalf of</i></b>	)	
<b><i>himself and those similarly situated,</i></b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 2:22-cv-02315-SHM-tmp</b>
	)	
<b>FIRST ORDER PIZZA, LLC,</b>	)	
<b>TY TURNER, JAMES HOLMES, DOE</b>	)	
<b>CORPORATION 1-10, and JOHN</b>	)	
<b>DOE 1-10,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS’ MOTION TO STAY PLAINTIFF’S MOTION  
FOR CONDITIONAL CERTIFICATION**

Defendants seek a stay of Plaintiff’s Motion for Conditional Certification [D.E. 21], subject to the Court’s ruling on Defendants’ pending Motion to Dismiss [D.E. 19]. As explained in Defendants’ accompanying Memorandum in Support, it is Defendants’ position that Plaintiff’s Motion for Conditional Certification cannot be ruled upon without first addressing the jurisdictional issues argued in Defendants’ Motion to Dismiss, namely that Plaintiff cannot move for conditional certification in this forum, because his claims are subject to a valid, mandatory arbitration agreement.

For these reasons and those in Defendants’ accompanying Memorandum, Defendants request a stay of Plaintiff’s Motion for Conditional Certification.

Respectfully submitted on this, the 8th day of July, 2022.

*/s/ Courtney Leyes*

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Courtney Leyes (TN Bar No. 034012)

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*Counsel for Defendants*

**CERTIFICATE OF CONSULTATION**

On July 7, 2022, Counsel for the Defendants, Courtney Leyes, spoke to counsel for Plaintiff, Riley Kane (admitted *pro hac vice*), via email, notifying Mr. Kane of Defendants' intent to file a motion to stay. Plaintiff's counsel indicated they objected to such a motion.

DATED this, the 8th day of July, 2022.

/s/ Courtney Leyes  
Courtney Leyes

**CERTIFICATE OF SERVICE**

I, Courtney Leyes, hereby certify that on this, the 8th day of July, 2022, I electronically filed the foregoing *Defendants' Motion to Stay Plaintiff's Motion for Conditional Certification* with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following counsel of record:

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/s/ Courtney Leyes  
Courtney Leyes