

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

JASON HEUBERGER, individually and	)	
on behalf of similarly situated persons,	)	
	)	Case No. 1:14-cv-01472-TWP-TAB
Plaintiff,	)	
	)	
v.	)	
	)	
BAJCO, LLC, et al.	)	
	)	
Defendants.	)	

**ORDER APPROVING STIPULATED FORM OF  
NOTICE OF COLLECTIVE ACTION**

This matter is before the Court on the Joint Motion to Approve Stipulated Form of Notice of Collective Action (Dkt 17) filed jointly by Plaintiff Jason Heuberger and Defendants. The parties request that the Court approve their stipulation to conditionally certify this case as a collective action under the FLSA and authorize that the notice agreed to by the parties be sent to all current and former delivery drivers employed by defendants for the past three years. Dkt 17 at 2(a). An FLSA action may be brought by an employee “on behalf of himself . . . and all other employees similarly situated,” but “[n]o employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed with the court in which such action is brought.” 29 U.S.C. § 216(b). At the “notice stage” determination, a plaintiff can show that the putative class members are similarly situated with “substantial allegations” that the putative class members “were together the victims of a single decision, policy or plan.” *Thiessen v.*

*Gen. Electric Capital Corp.*, 267 F.3d 1095, 1102 (10<sup>th</sup> Cir. 2001). Based on a review of Plaintiff's Complaint (Dkt. 1), the stipulation of the parties, and the proposed notice, the Court is satisfied that Plaintiff has met the necessary threshold and will conditionally certify this case as a collective action under the FLSA.

IT IS THEREFORE ORDERED that the parties' Joint Motion to Approve Stipulated Form of Notice of Collective Action is GRANTED.

IT IS FURTHER ORDERED that Defendant will make the agreed upon disclosures to Plaintiff on or before January 14, 2015, and that, within 14 days of receipt of such disclosures, Plaintiff will mail the agreed upon notices to all current and former delivery drivers employed by Defendant since 1/8/2011 [three years prior to date of order].

DATED this day: 1/8/2014

  
\_\_\_\_\_  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

Service of the foregoing document will be made electronically utilizing the Court's CM/ECF filing system which sends notice to all parties of record.