

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

**Adelina Garcia, Antonio Garcia
and Jeronimo Vargas-Vera,**

Plaintiffs,

v.

Case No. 06-2198-JWL

**Tyson Foods, Inc. and
Tyson Fresh Meats, Inc.,**

Defendants.

MEMORANDUM & ORDER

On February 12, 2009, the court certified this case as a class and collective action. The case is now before the court on the parties' joint proposal for class notice (doc. 745). The parties have agreed on the substance and form of the proposed notice, but have been unable to reach agreement on the length of the notice period. Plaintiffs propose a 120-day notice period and defendants propose a 60-day notice period. The court is persuaded that a 120-day notice period is appropriate in the context of this case in light of plaintiffs' representations that the class consists of a large number of non-English speaking individuals and that the class consists of a "highly transient" group of individuals. Moreover, defendants have not identified sufficient prejudice resulting from a lengthier notice period.

The joint notice attached as Exhibit A to the parties' joint proposal is otherwise approved.

IT IS THEREFORE ORDERED BY THE COURT THAT the parties' joint proposal for class notice (doc. 745) is approved and the notice should reflect a notice period of 120 days.

IT IS SO ORDERED.

Dated this 10th day of March, 2009, at Kansas City, Kansas.

s/ John W. Lungstrum _____
John W. Lungstrum
United States District Judge