

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

Gary Tews and Edith Coleman,

Plaintiffs,

v.

Case No. 08-2064-JWL

Renzenberger, Inc.,

Defendant.

MEMORANDUM & ORDER

This matter is presently before the court on plaintiffs' motion for conditional class certification and court-authorized notice pursuant to 29 U.S.C. § 216(b) (doc. 65). Specifically, plaintiffs seek an order certifying this case as a collective action under 29 U.S.C. § 216(b) on behalf of all "road drivers" who worked for defendant at any time from August 10, 2005 to the present; authorizing plaintiffs to send notice of the collective action to all potential opt-in plaintiffs; and directing defendant to produce to plaintiffs an electronic data file containing the name, last known address, telephone number, dates of employment, location of employment, employee number, and last four digits of the social security number for all potential opt-in plaintiffs for the purpose of sending notice. With the clarification that the putative class should be defined to exclude road drivers who were employed exclusively in California during the relevant time period (a clarification to which plaintiffs do not object), defendant does not oppose the motion and the parties ultimately have jointly proposed the notice attached to defendant's

response to plaintiffs' motion.

The court, then, conditionally certifies this case as a collective action under 29 U.S.C. § 216(b) on behalf of all road drivers who worked for defendant at any time from August 10, 2005 to the present, other than those individuals who were employed as road drivers exclusively in California during that time period. The court authorizes plaintiffs to send to all potential opt-in plaintiffs the notice attached to defendant's response to plaintiffs' motion.

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiffs' motion for conditional class certification and for court-authorized notice (doc. 65) is granted and plaintiffs are authorized to send to putative class members the notice attached to defendant's response to plaintiffs' motion.

IT IS SO ORDERED.

Dated this 1st day of July, 2008, at Kansas City, Kansas.

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