

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MERCEDES WHITFIELD,

Plaintiff,

v.

Case Number 18-10973

Honorable David M. Lawson

TRINITY RESTAURANT GROUP, LLC,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR
CONDITIONAL CERTIFICATION OF COLLECTIVE ACTION**

This matter is before the Court on the plaintiff's motion for conditional certification of a collective action under the Fair Labor Standards Act, 29 U.S.C. § 216(b). The Court has reviewed the parties' submissions and heard oral argument on December 17, 2018. At the conclusion of the hearing, the Court announced from the bench its decision to grant in part the motion, finding that the plaintiff had made a sufficient factual showing to support conditional certification as to three of the defendant's restaurants. The Court denied the motion without prejudice as to the eleven other restaurants. The Court also directed counsel to meet and confer on the form and dissemination of notice and to submit a joint proposal for Court approval.

Accordingly, it is **ORDERED** that the plaintiff's motion for conditional certification of her Fair Labor Standards Act claims as a collective action (ECF No. 16) is **GRANTED IN PART**. The collective action class is defined as all current and former servers who worked for Trinity Restaurant Group, LLC at its IHOP restaurants in Detroit, Mount Pleasant, and Saginaw at any time during the last three years. The form and dissemination of notice is left to counsel to negotiate.

It is further **ORDERED** that the plaintiff's motion for conditional certification of collective action is **DENIED WITHOUT PREJUDICE** with respect to the defendant's other restaurant locations.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: December 18, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 18, 2018.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI