

2. On April 18, 2025, Defendant filed its Answer to Plaintiff's Complaint. (Doc. 7).

3. On May 20, 2025, the Court entered its Case Management Order (ECF No. 23).

4. On May 20, 2025 the Court also entered its Order Referring Case to Alternative Dispute Resolution, which appointed Ms. Sally Cimini as mediator and required the Parties to attend mediation no later than August 14, 2025. (ECF No. 24).

5. The Parties attended mediation on August 13, 2025 but the case did not settle. (ECF Nos. 27 and 33).

6. The Parties attended a status conference with the Court. During that conference, the Court directed the Parties to exchange initial disclosures and to engage in a limited discovery process as to conditional certification, and setting a deadline for Plaintiffs to file their motion for conditional certification by November 20, 2025. (ECF No. 35, text-only Order).

7. The Parties have been actively engaged in discovery. (ECF No. 36, Joint Status Report).

8. The Parties have stipulated to sending Court-authorized notice pursuant to the FLSA, 29 U.S.C. § 216(b), to the following collective:

All Hourly Laborers and CBM Drivers who worked for Bill Wise's Excavating, Inc. since August 8, 2021.

9. The Plaintiff also intends to retain a notice administrator who will host a case-specific website containing a long-form notice and other relevant case documents.

10. The various proposed forms of notice are attached, as follows: *Exhibit A*, The Postcard Notice (via U.S. Mail); *Exhibit B*, The Long-Form Notice (for the website); and *Exhibit C*, The Email Notice.

THEREFORE, upon the stipulated agreement of the Parties, the Court Orders as follows:

1. The Collective members to receive Court-authorized notice pursuant to 29 U.S.C. § 216(b) shall consist of:

All Hourly Laborers and CBM Drivers who worked for Bill Wise's Excavating, Inc. since August 8, 2021.

2. The law firms of Sommers Schwartz, P.C., Melmed Law Group P.C., and Lynch Carpenter LLP are appointed as counsel for the FLSA Collective.
3. The Court further approves the following procedures and deadlines with respect to notice to the FLSA Collective:
 - i. On or before 30 days after the entry of this Order, Defendant shall identify and produce to Plaintiffs' counsel a list of the names, dates of employment, and available last known addresses and email addresses of all the proposed FLSA Collective members in a computer-readable format to the extent Defendant has them.
 - ii. Within 21 days from the date of service by Defendant of the list identified in the preceding paragraph, the administrator shall (a) mail via first-class U.S. Mail the approved Postcard Notice and Consent Form to the FLSA Collective members (**Exh. A**); (b) post the Long-Form Notice to the case website (**Exh. B**); and (c) email

the approved E-mail Notice to the FLSA Collective members (**Exh. C**).

- iii. FLSA Collective members shall have 45 days from the date of the sending of the Notice to return a copy of the Consent Form to the third-party administrator, who will forward Consent Forms to Plaintiffs' Counsel for filing. Consent Forms may be returned via mail, email, text, e-signature, or facsimile. All Consent Forms received by mail must be postmarked within 45 days from the date of sending the Notice in order to be considered timely.
 - iv. Plaintiffs' counsel will electronically file all returned Plaintiff Consent Forms as soon as practicable. Plaintiffs' counsel agrees to provide Defendant's counsel with the name of those who return Plaintiff Consent Forms contemporaneously as Plaintiff's counsel receive the same.
4. No later than 45 days after the conclusion of the opt-in period, and for the purposes of mediation only, Defendant will produce to Plaintiff's counsel available timecard and payroll information for the individuals for whom Plaintiffs' counsel filed a Consent Form. Any information exchanged for the mediation shall be for purposes of mediation only.
 5. Within 60 days of the conclusion of the opt-in period, the Parties shall attend another mediation with the previously appointed mediator, Sally Cimini. If Ms. Cimini is unavailable, the Parties will mutually select another neutral mediator.
 6. Within 7 days after the mediation, the Parties will jointly submit a report to the Court indicating whether the case has settled. If the case does not settle, the Court will enter an order scheduling a Status Conference.

IT IS SO ORDERED.

Dated this 15th day of December, 2025.

BY THE COURT:

s/ J. Nicholas Ranjan

HON. J. NICHOLAS RANJAN
U.S. DISTRICT JUDGE