

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

JASON GUAJARDO, Individually and	§	
On Behalf of All Others Similarly	§	
Situated,	§	
	§	Civil Action No.
Plaintiff,	§	
	§	7:18-CV-00025-DC
v.	§	
	§	
BIRD ELECTRIC ENTERPRISES, LLC	§	
	§	
Defendant.	§	

**AGREED ORDER APPROVING SUPPLEMENTAL NOTICE
AND TOLLING LIMITATIONS**

On this day, the Court considered the Parties’ Agreed Motion to Toll Limitations and Issue Supplemental Notice (the “Parties’ Motion”). Having considered the pleadings and evidence on file and the representations of counsel regarding the Parties’ agreement, the Court is of the opinion that the Parties’ Motion should be, and is hereby, **GRANTED** in its entirety.

It is, therefore, **ORDERED** that the class that this Court conditionally certified in this case on April 16, 2018 (Dkt. No. 12) includes all hourly-paid electricians in Defendant’s Department 16, including all electricians, all foremen, and all general foremen in that department from April 10, 2015 to the present (the “Class Members”).

It is further **ORDERED** that, within ten (10) days of this Order, Defendant shall disclose in Excel (.xlsx) format the full name; last known address(es) with city, state, and zip code; all known telephone numbers; beginning date(s) of employment; and ending date(s) of employment (if applicable) of any Class Members that were not previously disclosed by Defendant (the “Newly Disclosed Class Members”).

It is further **ORDERED** that the statute of limitations for the Newly Disclosed Class Members is equitably tolled beginning April 16, 2018 until such time that each Newly Disclosed Class Member who chooses to do so files their consent to join this action as a party-plaintiff.

It is further **ORDERED** that the Parties shall comply with the following schedule:

Within 30 days of receiving the contact information for all Newly Disclosed Class Members	Class Counsel shall send a copy of the Notice and Consent Form attached as Exhibit A to this Order to the Newly Disclosed Class Members by First Class U.S. Mail; Class Counsel may send the Text Message Notice of Collective Action attached to this Order as Exhibit B one time to the Newly Disclosed Class Members through text message; and Class Counsel may make the Notice and Consent Form available on a website solely dedicated to disseminating notice. Class Counsel shall send a link of the website to Defendant's counsel shortly after the time the website is published and shall not make changes to the website after that time, without agreement from Defendant's counsel in advance.
Within 3 days of the initial mailing of the Notice of Collective Action	Class Counsel shall file an Advisory with the Court indicating the date of delivery of the Notice of Collective Action and Consent Form was first sent to the Newly Disclosed Class Members.
60 days from the initial mailing of Notice and Consent Forms to Potential Class Members	The Newly Disclosed Class Members shall have 60 days to return their signed Consent forms to Class Counsel for filing with the Court (the "Notice Period").
No later than 7 days after the close of the Notice Period	Class Counsel shall file with the Court all signed Consents to Join.

It is further **ORDERED** that Plaintiff is authorized to offer the putative Class Members the option to consent to join this collective action through the use of electronic signatures.

It is further **ORDERED** that, other than the text message notice set forth above, Class Counsel may only contact any Newly Disclosed Class Member by telephone for the purpose of

securing a correct mailing address if the original mailed notice is returned to Class Counsel as undeliverable.

It is further **ORDERED** that, during the Notice Period and other than as described herein, Class Counsel may not send any information or otherwise communicate with any Newly Disclosed Class Member except to respond to inquiries initiated by Newly Disclosed Class Members.

It is further **ORDERED** that Plaintiff's Motion to Compel Compliance with Order Certifying Class (Dkt. No. 30) is denied without prejudice as MOOT.

It is so ordered.

Signed this ____ day of _____, 2018.

RONALD C. GRIFFIN
UNITED STATES MAGISTRATE JUDGE