UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

ERNEST SCOTT, JAMES GRIGGS,	§	
AND EVAN MONACELLI, ON	§	
BEHALF OF THEMSELVES AND	§	
ALL OTHERS SIMILARLY	§	
SITUATED,	§	
	§	
PLAINTIFFS	§	
	§	
V.	§	CA NO. 5:18-cv-1187-OLG
	§	
MUY PIZZA-TEJAS, LLC, MUY	§	
PIZZA SOUTHEAST, LLC AND MUY	§	
PIZZA MINNESOTA, LLC,	§	
	§	
DEFENDANTS	§	

AGREED MOTION FOR APPROVAL OF STIPULATION TO CONDITIONAL CERTIFICATION

Plaintiffs Ernest Scott and Evan Monacelli, on behalf of themselves and all others similarly situated and Defendants MUY Pizza-Tejas, LLC and MUY Pizza Minnesota, LLC (collectively, the "Parties") file this agreed motion for approval of stipulation regarding conditional certification of this Fair Labor Standards Act ("FLSA") matter.

The Parties stipulate and agree to conditional certification of the following class pursuant to 29 U.S.C. § 216(b):

All individuals who worked as delivery drivers for MUY Pizza-Tejas, LLC or MUY Pizza Minnesota, LLC at any time from November 14, 2015 to the present who did not sign an arbitration agreement and class and collective action waiver.

By stipulating to conditional certification of the FLSA class, MUY Pizza-Tejas, LLC or MUY Pizza Minnesota, LLC do not waive their right to argue that the FLSA class should be decertified.

The Parties have attached, for Court approval, their proposed forms for notice to putative class members and consent to join (the "Notice and Consent Form") (Exhibit A hereto), a social media notice (the "Social Media Notice") (Exhibit B hereto), and text message notice (the "Text Message Notice") (Exhibit C hereto).

The Parties have further agreed to and propose the following schedule:

No later than 14 days from the	Defendants MUY Pizza-Tejas, LLC and MUY Pizza
date of this Order	Minnesota, LLC shall provide to Class Counsel in Excel
	(.xlsx) format the following information regarding all
	Putative Class Members: full name; last known mailing
	address(es) with city, state, and Zip Code; all known email
	address(es) (if any); all known telephone number(s) (if any);
	beginning date(s) of employment; and ending date(s) of
	employment (if applicable).
Within 30 days of receiving the	Class Counsel shall send a copy of the Court-approved
contact information for all	Notice and Consent Form to the Putative Class Members by
Putative Class Members	First Class U.S. Mail and electronic mail; Class Counsel
	may send the Court-approved Text Message Notice of
	Collective Action through text message; Class Counsel may
	send the Court-approved Social Media Notice of Collective
	Action through Facebook and/or LinkedIn; and Class
	Counsel may make the Notice and Consent Form available
	on a website solely dedicated to disseminating notice and
	permitting the return of electronic signatures on the Notice
	and Consent Form.
Within 3 days of the initial	Class Counsel shall file an Advisory with the Court
mailing and emailing of the	indicating the date of delivery of the Notice of Collective
Notice of Collective Action	Action and Consent Form.
Within 3 days of the filing of	Defendants MUY Pizza-Tejas, LLC and MUY Pizza
the Advisory to the Court	Minnesota, LLC shall post a copy of the Notice of
regarding the date and	Collective Action and Consent Form in a conspicuous and
methods of deliver of the	accessible location at each of its places of work at which it
Notice of Collective Action and	currently employs one or more Putative Class Members; and
Consent Form	the copy of the Notice of Collective Action shall remain so
	posted continuously until the expiration of the 60-day Notice
	Period.
60 days from the initial	The Putative Class Members shall have 60 days to return
mailing and emailing of Notice	their signed Consent forms to Class Counsel for filing with
and Consent Forms to	the Court (the "Notice Period"). Defendants MUY Pizza-
Potential Class Members	Tejas, LLC and MUY Pizza Minnesota, LLC may
	remove the Notice of Collective Action and Consent Forms

	that they have posted.	
No later than 15 days after the	Class Counsel shall file with the Court all signed Consents	
close of the Notice Period	to Join.	

The Parties respectfully request that the Court enter the proposed Order submitted herewith approving the terms of this stipulation and approving the Notice and Consent Form attached as Exhibit A, Social Media notice attached as Exhibit B, and Text Message Notice attached as Exhibit C, respectively.

Respectfully Submitted,

/s/ Douglas B. Welmaker
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Certificate of Service

I hereby certify that on this the 3rd day of April 2019, I electronically submitted the foregoing document for filing using the Court's CM/ECF system. The following counsel of record shall be served with a true and correct copy of the foregoing document by operation of the Court's CM/ECF system:

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