

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

APR 04 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature] DEPUTY CLERK

ERNEST SCOTT, JAMES GRIGGS,  
AND EVAN MONACELLI, ON  
BEHALF OF THEMSELVES AND  
ALL OTHERS SIMILARLY  
SITUATED,

PLAINTIFFS

v.

CIVIL ACTION NO. 5:18-cv-1187

MUY PIZZA-TEJAS, LLC, MUY  
PIZZA SOUTHEAST, LLC AND MUY  
PIZZA MINNESOTA, LLC,

DEFENDANTS

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ORDER

On this day, the Court considered the Agreed Motion of Plaintiffs Ernest Scott and Evan Monacelli and Defendants MUY Pizza-Tejas, LLC and MUY Pizza Minnesota, LLC (collectively the "Parties") for Approval of Stipulation of Conditional Certification ("Agreed Motion"). Having considered the pleadings on file, the evidence, and the arguments of counsel, the Court orders that Parties' Stipulation is APPROVED in its entirety.

It is, therefore, **ORDERED** that this case is conditionally certified as a collective action under 29 U.S.C. § 216(b) and will proceed as such until further order of the Court. The Class Members shall include:

**All individuals who worked as delivery drivers for Defendants 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.**

It is further **ORDERED** that the Court authorizes the issuance of the Notice of Collective Action and Consent Forms that Plaintiff filed as Exhibit A to the Stipulation, to be delivered or

otherwise disseminated by mail, email, and a website solely dedicated to disseminating the Notice of Collective Action and Consent Form in accordance with the schedule set forth below.

It is further **ORDERED** that the Court authorizes the expedited issuance of the Social Media Notice of Collective Action that Plaintiff filed as Exhibit B to the Stipulation, to be delivered or otherwise disseminated through Facebook and/or LinkedIn in accordance with the schedule set forth below.

It is further **ORDERED** that the Court authorizes the expedited issuance of the Text Message Notice Plaintiff filed as Exhibit C to the Stipulation, to be delivered or otherwise disseminated by text message in accordance with the schedule set forth below.

It is further **ORDERED** that counsel for Plaintiffs may contact putative class members by telephone solely to verify of mailing addresses or email addresses.

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

<p><b>No later than 14 days from the date of this Order</b></p>	<p>Defendants <b>MUY Pizza-Tejas, LLC and MUY Pizza Minnesota, LLC</b> 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).</p>
<p><b>Within 30 days of receiving the contact information for all Putative Class Members</b></p>	<p>Class Counsel shall send a copy of the Court-approved Notice and Consent Form to the Putative Class Members by 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.</p>

<b>Within 3 days of the initial mailing and emailing of the Notice of Collective Action</b>	Class Counsel shall file an Advisory with the Court indicating the date of delivery of the Notice of Collective Action and Consent Form.
<b>Within 3 days of the filing of the Advisory to the Court regarding the date and methods of deliver of the Notice of Collective Action and Consent Form</b>	Defendants <b>MUY Pizza-Tejas, LLC and MUY Pizza Minnesota, LLC</b> shall post a copy of the Notice of Collective Action and Consent Form in a conspicuous and accessible location at each of its places of work at which it currently employs one or more Putative Class Members; and the copy of the Notice of Collective Action shall remain so posted continuously until the expiration of the 60-day Notice Period.
<b>60 days from the initial mailing and emailing of Notice and Consent Forms to Potential Class Members</b>	The Putative Class Members shall have 60 days to return their signed Consent forms to Class Counsel for filing with the Court (the "Notice Period"). Defendants <b>MUY Pizza-Tejas, LLC and MUY Pizza Minnesota, LLC</b> may remove the Notice of Collective Action and Consent Forms that they have posted.
<b>No later than 15 days after the close of the Notice Period</b>	Class Counsel shall file with the Court all signed Consents to Join.

It is so ordered.

Signed this 4 day of April, 2019.

  
 ORLANDO GARCIA  
 UNITED STATES DISTRICT JUDGE