

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JASON ANDERSON, et al.,)	
Plaintiffs,)	
vs.)	CV 06-J-1108-NE
CINRAM, INC.,)	
Defendant.)	

ORDER

Pending before the court is plaintiffs' motion to certify class (doc. 8), plaintiffs' proposed class notice (attachment 1 to doc. 8), and the defendant's objections to the proposed class notice (doc. 24) and response in opposition to the motion for conditional class certification (doc. 22). Having considered the foregoing, and being of the opinion that the motion to certify class is due to be granted;

It is therefore ORDERED by the court that said motion be and hereby is GRANTED. However, having considered the defendant's objections to the proposed class notice, the court ORDERS as follows:

The plaintiffs have stipulated that the notice shall not be sent to additional supervisory employees, and it is so ORDERED.

The defendant's objection to the three year time period, as set forth in the

proposed class notice, is SUSTAINED. Said time period shall be stated to run from three years prior to the date of the notice.

The defendant's objection to plaintiffs' failure to list defense counsel in the proposed class notice is SUSTAINED. However, the plaintiffs should NOT include a phone number for defense counsel in said notice.

The defendant's objection to plaintiffs' failure to list discovery or trial obligations that opt-in plaintiffs may face is SUSTAINED. The defendant's objection to plaintiffs' failure to state that opt-in plaintiffs will be bound by the judgment is SUSTAINED. Plaintiffs' class notice shall contain the following sentences, which the court deems sufficient to remedy these objections:

If you choose to join this suit, you will be bound by the judgment, whether it is favorable or unfavorable. While this suit is proceeding, you may be required to provide information, appear for deposition, and/or testify in court.

The defendant's objection to plaintiffs' failure to state that opt-in plaintiffs will be bound by strategic decisions of the class representatives is OVERRULED.

The defendant's objection to plaintiffs' failure to mention contingency fees is OVERRULED.

The defendant's objection to plaintiffs' failure to indicate the effect of not joining the lawsuit is OVERRULED.

The defendant's objection to plaintiffs' failure to indicate that the opt-in

plaintiffs may be liable for costs or counterclaims is OVERRULED.

The defendant's objection to the plaintiffs' selection of font and type size in paragraph V is OVERRULED.

The plaintiffs are ORDERED to redraft their proposed notice in accordance with this ruling.

Defendant's response to motion to compel (doc. 18) informed the court that the parties have come to an agreement regarding said motion to compel, namely, that defendant's responses to plaintiffs' discovery requests shall be consistent with the scope of the conditional class certification and the scope of discovery under the Rules of Civil Procedure, wherefore the motion to compel (doc. 12) is deemed MOOT.

DONE and **ORDERED** this 13th day of December 2006.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE