UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-61742-CIV-ROSENBAUM/SELTZER

NICOLE ALEQUIN, *et al.*,

Plaintiffs,

vs.

DARDEN RESTAURANTS, INC., *et al.*,

Defendants.
_____/

ORDER GRANTING USE OF PLAINTIFFS' SECOND PROPOSED AMENDED NOTICE-AND-CONSENT FORM

This matter is before the Court upon Plaintiffs' Notice of Filing of Proposed Amended Modified Notice-and-Consent Form [D.E. 224]. On July 26, 2013, Plaintiffs filed a proposed Notice-and-Consent Form, D.E. 217, and Defendants objected to the content and format of the form, D.E. 219. On July 31, 2013, the Court ordered Plaintiffs to modify their Notice-and-Consent Form in light of Defendants' objections. D.E. 220. Plaintiffs here file a modified Notice-and-Consent Form, and Defendants do not object to this modified version of the form. D.E. 225 at 2. The Court finds that Plaintiffs' modified Notice-and-Consent Form [D.E. 224-1] complies with the Court's July 31, 2013 Order. Plaintiffs are therefore authorized to transmit the modified Notice-and-Consent Form [D.E. 224-1] to potential opt-in class members as set forth in the Court's Order Granting in Part and Denying in Part Conditional Certification [D.E. 211].

However, the parties disagree about Plaintiffs' proposed legend to be printed on the envelopes used to mail the Notice-and-Consent Forms. Plaintiffs plan to print a legend on the outside

of the envelopes that would read, "Notice of Pendency of Collective Action Lawsuit Against Darden Restaurants." D.E. 224 at 2. Defendants' previous objections to the earlier version of the Notice-and-Consent Form noted that they "will not oppose" the inclusion of the legend. D.E. 219 at 3 n.1. Defendants, however, now oppose inclusion of the legend. D.E. 225 at 2-3. There is nothing objectionable with the legend, and Defendants' objections to the legend are untimely. Plaintiffs are therefore authorized to include the legend on envelopes sent out to potential opt-in class members.

CONCLUSION

For the foregoing reasons, it is **ORDERED and ADJUDGED** as follows:

1. Plaintiffs shall transmit to potential opt-in class members the version of the Notice-and-Consent Form reproduced in Plaintiffs' Proposed Amended Modified Notice-and-Consent Form [D.E. 224-1];

2. Plaintiffs may include the legend "Notice of Pendency of Collective Action Lawsuit Against Darden Restaurants" on the envelopes used to transmit the Forms;

3. All Consent Forms to Join Collective Action shall be filed by **November 12, 2013.**

DONE and ORDERED in Fort Lauderdale, Florida, this 12th day of August 2013.

ROBIN S. ROSENBAUM
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record