

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

KRISTY WILSON, DARREN MOORE, and  
KISHA ULYSSE, individually, and on behalf of  
all others similarly situated,

Plaintiffs,

v.

MICROS SYSTEMS INC.,

Defendant.

Civil Action No. 3:13-cv-01328

Judge Campbell  
Magistrate Judge Bryant

JURY DEMAND

**CONSENT ORDER CONDITIONALLY CERTIFYING 29 U.S.C. § 216(b)  
COLLECTIVE ACTION AND AUTHORIZING NOTICE**

Upon consideration of the parties' jointly submitted Stipulation Regarding Notice Pursuant to 29 U.S.C. § 216(b) and Alternative Dispute Resolution (Dkt. 19), and the Notice (Dkt. 19-1) and Consent form (Dkt. 19-2) attached thereto, it is hereby ORDERED that the parties' Stipulation is GRANTED in its entirety.

Accordingly, the Court hereby conditionally certifies a Conditional Class (inclusive of the California Subclass) consisting of the following individuals, and authorizes issuance of notice pursuant to 29 U.S.C. § 216(b):

Any person who worked for Micros Systems Inc. as an Implementation Specialist paid by salary at any time within the period beginning three years prior to the filing date of this Stipulation through the date of judgment (the "Class"); and

Any person who worked for Micros Systems, Inc. as an Implementation Specialist paid by salary and who performed any work in any Implementation Specialist position within the State of California (including such employees based out of state who traveled to California and performed installations or other on-site work within the State of California) at any time within the period beginning four years prior to the filing date of Plaintiffs' Complaint through the date of judgment (hereinafter the "California Subclass").

The Court approves the Notice (Dkt. 19-1) and Opt-In Consent Form (19-2). Within ten business days from the date of this Order, Defendant shall deliver to Plaintiffs' counsel an Excel spreadsheet of the names, job titles, last known mailing addresses hire date, termination date, location of employment, and of all individuals in the Conditional Class (which shall be produced subject to a protective order maintaining the confidentiality of this information).

As soon as practicable, but no later than fifteen (15) business days from the date of delivery by Defendant of the Class list to Plaintiffs' counsel, Plaintiffs' counsel shall cause to be mailed, at their expense, the approved Notice and Opt-In Consent Form to the Class and shall include a self-addressed, stamped envelope. Plaintiffs may employ a third-party administrator for this task. Plaintiffs' counsel will provide notice to Defendant that the Notice and Opt-In Consent Forms have been mailed, within three (3) business days from the date of mailing.

Within five (5) business days of receiving a written notification of undeliverable mailings, Defendant will provide Social Security numbers and last known phone numbers for those members in the Conditional Class identified by Plaintiffs to Defendant whose mailing was returned to Plaintiffs as undeliverable, for the purpose of skip tracing to determine correct mailing addresses for re-mailing. Beginning 15 days after the initial mailing date, the Plaintiffs' third-party notice administrator may call all last known telephone numbers of Conditional Class Members whose Notices have been returned as undeliverable. The third-party administrator communications shall be limited to: 1) introducing themselves; 2) confirming the individual's last known mailing address, telephone number, and/or email address; and 3) informing the individual of the deadline for submitting the Opt-In Consent Form. If the individual has any additional questions, the third-party administrator shall direct the individual to contact Plaintiffs' counsel as provided in the Notice.

Within 30 days from the date of mailing of the Notice and Opt-In Consent Form, Plaintiffs' counsel shall cause to be mailed, at their expense, a reminder notice to Class members who have not yet opted in concerning the Notice and Opt-In Consent Form. Plaintiffs may employ a third-party administrator for this task.

Any member of the Class shall have 60 days from the date of mailing of the Notice and Opt-In Consent Form to return a copy of the Opt-In Consent Form to Plaintiffs' counsel (or the third-party administrator) for filing. Opt-In Consents will automatically be deemed timely if the date of the postmark, fax receipt, or email receipt by either Plaintiff's counsel or the administrator is within this 60 day period, without prejudicing Plaintiffs' right to move for leave to allow late-filed Consents or Defendant's right to oppose that motion. If Plaintiffs' counsel elects to use a third-party administrator, the third party administrator will send ".pdf" copies of all returned Opt-In Consent Forms to Plaintiffs' counsel, who will file them electronically on the docket on a routine basis.

The parties agree to submit any disputes regarding other notice issues to the Court, or if referred by the Court to the Magistrate Judge assigned to this case, than to the Magistrate Judge by scheduling and conducting a telephone call with the Magistrate Judge. Counsel for the party requesting the conference shall check with opposing counsel as to their availability before setting a time certain with the Magistrate Judge.

IT IS SO ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE

CONSENTED TO BY:

/s/ C. Andrew Head

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