

ELECTRONICALLY FILED
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON
CIVIL ACTION NO. 5:06-CV-00299-JBC

JUSTIN CRAWFORD, et al.,

PLAINTIFFS

v. **PLAINTIFFS' MOTION FOR AN ORDER TO CERTIFY SUBCLASSES,
TO HOLD CERTAIN CLAIMS IN ABEYANCE,
TO RE-ESTABLISH PRETRIAL DEADLINES, AND
TO LIMIT THE SCOPE OF THE APRIL 14, 2008, TRIAL**

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

DEFENDANT

* * * * *

Come the Plaintiffs, by counsel, and, for the reasons set out in the Memorandum filed herewith, move the Court for the entry of an Order which:

1. Certifies (conditionally or otherwise) the following two (2) Subclasses:
 - A. "Subclass A", to be comprised of all Plaintiffs who, since September 6, 2003, until the present, have been or are now assigned to the Custody, Intake, and/or Master Control Bureaus or "areas" within the Division of Community Corrections ("DCC"), and which shall assert the Plaintiffs' conditionally certified collective claim that the LFUCG has a policy and practice of denying the Plaintiffs a bona fide meal break; and
 - B. "Subclass B", to be comprised of all Plaintiffs who, since September 6, 2003, until the present, have been or are now ranked by the Defendant, Lexington Fayette Urban County Government ("LFUCG"), as DCC Lieutenants or Captains, and which shall assert the Plaintiffs' conditionally certified claim

that the LFUCG has a policy and practice of improperly awarding “compensatory time” to the Plaintiffs in lieu of overtime pay for hours worked by the Plaintiffs after forty (40) hours within any workweek.

2. Holds all of the Plaintiffs’ remaining claims in abeyance pending resolution of the claims to be asserted by proposed Subclasses A and B;
3. Re-establishes pretrial deadlines; and
4. Limits the scope of the April 18, 2008, trial to the claims to be asserted by proposed Subclasses A and B.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been electronically filed through the ECF system this the 14th day of January 2008, which will send a notice of electronic filing to all parties' counsel in the electronic filing system in this case.

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