

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

	)	
<b>AMALIA BENVENUTTI, On Behalf of</b>	)	
<b>Herself and All Others Similarly Situated,</b>	)	<b>CASE NO. 5:22-cv-00182</b>
	)	
<i>Plaintiff,</i>	)	<b>COLLECTIVE ACTION</b>
	)	
<b>v.</b>	)	<b>CHIEF JUDGE TREADWELL</b>
	)	
<b>GEICO General Insurance Company d/b/a</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>GEICO,</b>	)	
	)	
<i>Defendant.</i>	)	
	)	
	)	
	)	

**PLAINTIFF’S MOTION FOR CONDITIONAL CERTIFICATION AND  
FOR THE ISSUANCE OF COURT-SUPERVISED NOTICE**

Plaintiff Amalia Benvenuti moves this Court for an order conditionally certifying her claims as a collective action pursuant to Section 216(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b). Plaintiff has sought leave to file her First Amended Collective Action Complaint in which she has added Government Employees Insurance Company as a defendant. Plaintiff alleges that both GEICO General Insurance Company and Government Employees Insurance Company (collectively “GEICO”) are employers, as defined in the FLSA, of her and the similarly situated employees she seeks to represent.

Specifically, Plaintiff requests the entry of an order that conditionally certifies the following collective:

All current and former Service Representatives who worked for GEICO and were managed out of the GEICO Macon, Georgia call center at any time since March 1, 2020.

(the “Collective Class”). Plaintiff also requests that the Court:

- (1) order GEICO to produce a list of all collective class members, including names, last known mailing addresses, last known email addresses, and last known telephone numbers within fourteen (14) days of the Court's ruling;
- (2) approve Plaintiff's proposed Notice of Pending Fair Labor Standards Act Lawsuit ("Notice") (Exhibit 1) and Consent to Become Party Plaintiff ("Consent Form") (Exhibit 2);
- (3) authorize Plaintiff to send her proposed Notice and Consent Form to collective class members via U.S. Mail (along with a prepaid return envelope addressed to Plaintiff's counsel) and email; and,
- (4) require that Consent Forms to join this action be postmarked or otherwise received by Plaintiff's counsel within 90 days of the date notice is sent.

This relief will ensure that this FLSA collective action proceeds efficiently and appropriately under this Court's supervision and that collective members are informed in a timely fashion of their right to join this action to prevent further erosion of their claims by the FLSA's statute of limitations. *See Morgan v. Family Dollar Stores, Inc.*, 551 F.3d 1233, 1259 (11th Cir. 2008) (quoting *Hoffman-LaRoche, Inc. v. Sperling*, 493 U.S. 165, 170 (1989)) ("The benefits of a collective action 'depend on employees receiving accurate and timely notice . . . so that they can make informed decisions about whether to participate.'").

The Eleventh Circuit's standard for conditional certification and notice is lenient. *Id.* at 1260-61 (describing the standard as "not particularly stringent," "fairly lenient," "flexib[le]," "not heavy," and "less stringent than that for joinder under Rule 20(a) or for separate trials under 42(b)") (citations omitted and alterations in original). To meet this lenient burden, Plaintiff must show only that "there is a reasonable basis to believe that: (1) there are other employees who are similarly situated with respect to their job requirement and pay provisions, and (2) there are other employees who desire to opt-in." *Brown v. Refuse Materials, Inc.*, No. 7:13-cv-37, 2013 WL 2387759, at \*2 (Lawson, J.) (M.D. Ga. May 30, 2013); *see Grable v. C P Sec. Groups, Inc.*, No. 5:21-CV-95-MTT, 2022 WL 138647 (M.D. Ga. Jan. 14, 2022) ("The plaintiffs bear the burden of

demonstrating a reasonable basis for the claim that there are other similarly-situated employees who desire to opt into the litigation.”); *Montford v. Forestry Mgmt. Serv., LLC*, No. 5:18-CV-19-MTT, 2018 WL 3715719 (M.D. Ga. Aug. 3, 2018) (“[T]he court must ask whether there are other employees who desire to opt in and whether those employees are similarly-situated with respect to their job requirements and pay provisions”).

In support of this Motion, Plaintiff submits: (1) her deposition transcript (attached hereto as Exhibit 3); (2) declarations of Opt-In Plaintiffs Judith Adams, Miyata Finley, Karianne Lawrence, and Rissiah Sanders (attached hereto); and (3) pay and time documents from declarants Judith Adams and Miyata Finley (attached to their respective declarations). These submissions provide evidence of a common policy affecting all members of the collective defined above. Thus, for these reasons and the reasons set forth in the accompanying Memorandum in Support, Plaintiff respectfully requests that the Court grant this Motion. A Proposed Order granting this relief is submitted along with this Motion.<sup>1</sup> Plaintiff’s counsel has conferred with counsel for Defendant regarding this Motion, and Defendant’s counsel has indicated that Defendant has not decided whether it will oppose this Motion or not.

Date: January 12, 2023

Respectfully submitted,

/s/ David W. Garrison  
**DAVID W. GARRISON (TN Bar No. 24968)\***  
**JOSHUA A. FRANK (TN Bar No. 33294)\***  
**NICOLE A. CHANIN (TN Bar No. 40239)\***  
BARRETT JOHNSTON MARTIN & GARRISON, LLC  
Philips Plaza  
414 Union Street, Suite 900  
Nashville, TN 37219  
Telephone: (615) 244-2202  
Facsimile: (615) 252-3798  
dgarrison@barrettjohnston.com

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<sup>1</sup> The Proposed Order includes Plaintiff’s case caption from her First Amended Collective Action Complaint that adds Government Employees Insurance Company d/b/a GEICO as a defendant.

jfrank@barrettjohnston.com  
nchanin@barrettjohnston.com

**RICHARD ROUCO**

QUINN, CONNOR, WEAVER, DAVIES & ROUCO, LLP  
2 - 20th Street North, Suite 930  
Birmingham, AL 35203  
Telephone: (205) 870-9989  
rrouco@qcwdr.com

**NICHOLAS STANOJEVICH (No. 173544)**

QUINN, CONNOR, WEAVER, DAVIES & ROUCO, LLP  
4100 Perimeter Park South  
Atlanta, GA 30341  
Telephone: (404) 299-1211  
nstanojevich@qcwdr.com

*\* Admitted Pro Hac Vice*

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this *Plaintiff's Motion for Conditional Certification and for the Issuance of Court-Supervised Notice* was filed electronically with the Clerk's office by using the CM/ECF system on January 12, 2023 and served upon Defendant's Counsel as indicated below:

**ALYSSA K PETERS**  
577 MULBERRY ST, STE 710  
MACON, GA 31202  
Telephone: 478-750-8600  
Email: apeters@constangy.com

**ERIC HEMMENDINGER**  
**EVAN L. CONDER**  
ONE SOUTH ST STE 1800  
BALTIMORE, MD 21202  
Telephone: 410-843-3457  
Email: eh@shawe.com  
Email: ec@shawe.com

*Attorneys for Defendant*

/s/ David W. Garrison \_\_\_\_\_  
DAVID W. GARRISON  
**BARRETT JOHNSTON**  
**MARTIN & GARRISON, LLC**