

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Desmond Ndambi. et al.,

Plaintiffs,

vs.

CoreCivic Inc.,

Defendant.

Case No. 1:18-cv-3521-RDB

MOTION FOR CONDITIONAL CERTIFICATION AND ISSUANCE OF NOTICE

Plaintiffs Desmond Ndambi, Mbah Emmanuel Abi, and Nkemtoh Moses Awombang (collectively, “Plaintiffs”), individually and on behalf of all others similarly situated, hereby file their Motion for “Conditional Certification and Issuance of Notice” asking the Court to conditionally certify this case as a collective action under the Fair Labor Standards Act, 29 U.S.C. § 216(b), and to facilitate the issuance of notice to potential collective members. Plaintiffs seek certification of the following collective:

all civilly detained immigrants who performed work for CoreCivic at Cibola through its work program at any time during the period beginning November 14, 2016, and continuing to the date on which notice is issued.

Notwithstanding the pending Motion to Dismiss (ECF No. 36), Plaintiffs seek conditional certification and notice at this time because the limitations period for the FLSA claims of putative collective members runs until each person affected by the challenged practice has consented to join the lawsuit. In the alternative, if the Court wishes to adjudicate Defendant’s Motion to Dismiss first, Plaintiffs ask the Court to equitably toll the running of the limitations period applicable to

members of the putative collective action. The grounds for this motion are set forth in the attached Memorandum and accompanying Exhibits.

THEREFORE, Plaintiffs respectfully request that this Court conditionally certify a collective under section 216(b) of the Fair Labor Standards Act and direct that Notice issue to potential collective members, and, if the court first adjudicates CoreCivic's motion to dismiss, to equitably toll the limitations period governing the putative collective members' claims from the date of this motion until ninety days after the notice issues.

February 26, 2019

Respectfully submitted,

/s/ Joseph M. Sellers

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