

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Jasmine Brown v. Select One, Inc. and Daniel Georgievski

Brown · No. No. 24 CV 903 · Decided December 19, 2025

SUMMARY

The court denies Defendants’ motion to reconsider an earlier order granting conditional certification of an FLSA collective action. Applying the Seventh Circuit’s intervening decision in *Richards v. Eli Lilly & Co.*, the court concludes that reconsideration would be futile because notice, discovery, and the opt-in period had already occurred. Defendants remain free to argue, based on the developed record, that the opt-in plaintiffs are not similarly situated.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Lindsay C. Jenkins
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 19, 2025
DOCKET	No. 24 CV 903
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 54(b) for reconsideration of the court's prior order granting Brown's motion for conditional certification and facilitating notice to a proposed FLSA collective.
STANDARD OF REVIEW	A motion for reconsideration under Rule 54(b) is discretionary and disfavored; it is generally limited to correcting manifest errors of law or fact or considering newly discovered evidence. A manifest error includes a wholesale disregard, misapplication, or failure to recognize controlling precedent, or a significant change in governing law or facts.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential

TOPICS

motion for reconsideration

flsa

wage and hour

employment law

civil procedure

PRACTICE AREAS

employment law

wage and hour

civil procedure

QUESTIONS PRESENTED

1. Whether the Seventh Circuit's intervening decision in *Richards v. Eli Lilly & Co.*, which rejected the Lusardi approach to FLSA notice, required reconsideration of the court's earlier conditional-certification order.
2. Whether the court could or should decertify the FLSA collective and require Brown to proceed under the Richards framework after notice, opt-in, and discovery had already occurred.

HOLDINGS

1. Although Richards rejected the Lusardi approach applied in the prior order, reconsideration was unwarranted because reopening the completed notice and opt-in process would not remedy the asserted concerns and would create a futile, inefficient exercise.
2. The court could not decertify the collective because conditional certification does not create a legal class or formally join parties; its sole consequence is the issuance of court-approved notice, and Brown had not requested official certification of the collective.

KEY QUOTATIONS

“In short, “re-ringing” the notice bell would be a futile, inefficient exercise.” (Analysis)

“Conditional certification does not produce a legal class or join any parties to the action.” (Analysis)

FACTUAL BACKGROUND

Brown brought claims on behalf of delivery drivers whom she alleged were misclassified as independent contractors. The court previously granted conditional certification under the Lusardi approach, facilitated notice, and nearly 200 individuals opted into the FLSA collective. By the time defendants sought reconsideration after Richards rejected Lusardi, the opt-in period and discovery had closed, and the court had also certified a related Rule 23 class.

PROCEDURAL HISTORY

Brown sued Select One, Inc. and Daniel Georgievski under the FLSA, the Illinois Wage Payment and Collection Act, and a common-law unjust-enrichment theory. The court granted conditional certification under the then-prevailing Lusardi two-step approach, nearly 200 individuals opted in, discovery was completed, and the court later certified a Rule 23 class. After the Seventh Circuit rejected the Lusardi approach in *Richards v. Eli Lilly & Co.*, defendants moved for reconsideration. The court denied reconsideration, concluding that reopening the completed notice and opt-in process would be futile and inefficient, while leaving defendants free to argue that the opt-in employees are not similarly situated.

DISPOSITION

other

CASES CITED

- Vanegas v. Signet Builders, Inc., 113 F.4th 718, 726 (7th Cir. 2024)
- Richards v. Eli Lilly & Co., 149 F.4th 901, 906–914 (7th Cir. 2025)
- Hoffmann-La Roche Inc. v. Sperling, 493 U.S. 165, 169–73 (1989)
- Lusardi v. Xerox Corp., 118 F.R.D. 351, 361 (D.N.J. 1987)
- Latipov v. AN Enter., Inc., 2024 WL 474166, at *5 (N.D. Ill. Feb. 7, 2024)
- Ervin v. OS Rest. Servs., Inc., 632 F.3d 971, 974 (7th Cir. 2011)
- Russell v. Illinois Bell Tel. Co., 575 F. Supp. 2d 930, 933 (N.D. Ill. 2008)
- Alvarez v. City of Chicago, 605 F.3d 445, 450 (7th Cir. 2010)
- Patrick v. City of Chicago, 103 F. Supp. 3d 907, 911 (N.D. Ill. 2015)
- Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp., 460 U.S. 1, 12 (1983)
- Ahmed v. Ashcroft, 388 F.3d 247, 249 (7th Cir. 2004)
- Caisse Nationale de Credit Agricole v. CBI Indus., Inc., 90 F.3d 1264, 1270 (7th Cir. 1996)
- Burritt v. Ditlefsen, 807 F.3d 239, 253 (7th Cir. 2015)
- United States v. Ligas, 549 F.3d 497, 501–02 (7th Cir. 2008)
- Swales v. KLLM Transp. Servs., L.L.C., 985 F.3d 430 (5th Cir. 2021)
- Clark v. A&L Homecare & Training Ctr., LLC, 68 F.4th 1003 (6th Cir. 2023)
- McClurg v. Dallas Jones Enters., Inc., 2023 WL 8604177, at *4 (W.D. Ky. Dec. 12, 2023)
- Stewart v. First Student, Inc., 2023 WL 6662979, at *5 (N.D. Ohio Oct. 12, 2023)
- Pendleton v. First Transit, Inc., 2024 WL 1071115, at *4 (S.D. Ohio Mar. 12, 2024)
- Sanchez v. Roka Akor Chicago LLC, 2016 WL 74668, at *5 (N.D. Ill. Jan. 7, 2016)