

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joshua Dodge v. Qualtek Wireless LLC

Dodge · No. 2:25-cv-00043-DAD-AC · Decided September 15, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice Joshua Dodge’s motion for conditional certification of an FLSA collective action against Qualtek Wireless LLC. The court found that the evidence did not support the proposed nationwide collective of all hourly employees and allowed plaintiff an opportunity to narrow the class definition or supplement the evidentiary record.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 15, 2025
DOCKET	2:25-cv-00043-DAD-AC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for conditional certification of an FLSA collective action. The district court denied the motion without prejudice.
STANDARD OF REVIEW	At the preliminary conditional-certification stage, the plaintiff bears the burden of showing that the proposed collective members are similarly situated, generally through substantial allegations supported by declarations or discovery. Courts apply a lenient standard, and the court may exercise discretion to narrow the proposed collective.
PRECEDENTIAL VALUE	unpublished
PARTIES	Joshua Dodge v. Qualtek Wireless LLC

TOPICS

- flsa
- class actions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff established that the proposed collective of all Qualtek hourly employees was similarly situated for purposes of conditional certification under the FLSA.
2. Whether the court should narrow the proposed collective or permit plaintiff to refile or supplement the motion after further discovery.

HOLDINGS

1. Conditional certification was not appropriate because plaintiff's evidence concerned telecom or telecommunications-tower employees and did not support the proposed collective encompassing all of Qualtek's hourly employees.
2. The court declined to narrow the proposed collective at that time because neither party proposed a definition focused on telecom employees, telecom tower employees, or Tower Technicians, and the propriety of such a narrowed definition had not been addressed.

KEY QUOTATIONS

“Therefore, the court will deny plaintiff's motion without prejudice to its refiling in order to provide plaintiff with an opportunity to narrow the class definition as he sees fit or to supplement, before or after further discovery, the evidence substantiating plaintiff's assertion that defendant's hourly employees are similarly situated and that his presently proposed FLSA class is appropriate.” (Opinion at 5)

“Accordingly, plaintiff's motion for conditional certification (Doc. No. 9) is DENIED without prejudice to refiling.” (Opinion at 5)

FACTUAL BACKGROUND

Joshua Dodge was an hourly employee of Qualtek from approximately April 2021 through September 2024 and worked as a foreman building, repairing, maintaining, or upgrading telecommunications-tower hardware. He proposed an FLSA collective consisting of all current and former nonexempt Qualtek employees subject to the company's meal-period, bonus-pay, or per-diem-pay policies. Dodge submitted declarations from himself and two other employees, but those declarations addressed telecom or tower employees rather than all Qualtek hourly employees.

PROCEDURAL HISTORY

Dodge filed the collective action complaint in Sacramento County Superior Court and later filed amended complaints. Qualtek removed the action to the Eastern District of California based on federal-question jurisdiction over the FLSA claim and supplemental jurisdiction over state-law claims. After Dodge moved for conditional certification, Qualtek opposed and Dodge replied; the court submitted the motion on the papers and denied it without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff may refile the motion after narrowing the proposed collective or supplementing the evidence, including through further discovery.

CASES CITED

- Genesis Healthcare Corp. v. Symczyk, 569 U.S. 66, 69 (2013)
- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1064 (9th Cir. 2000)
- Campbell v. City of Los Angeles, 903 F.3d 1090, 1109 (9th Cir. 2018)
- Nen Thio v. Genji, LLC, 14 F. Supp. 3d 1324, 1340 (N.D. Cal. 2014)
- Rodriguez v. Danell Custom Harvesting, LLC, 293 F. Supp. 3d 1117, 1130 (E.D. Cal. 2018)
- Syed v. M-I, L.L.C., No. 1:12-cv-01718-AWI-MJS, 2014 WL 6685966, at *2 (E.D. Cal. Nov. 26, 2014)
- Cooley v. Air Methods Corp., No. 19-cv-00850-PHX-DLR, 2020 WL 9311858, at *4 (D. Ariz. Sept. 25, 2020)
- Johnson v. Q.E.D. Env't Sys. Inc., No. 16-cv-01454-WHO, 2017 WL 1685099, at *8 (N.D. Cal. May 3, 2017)
- Rodriguez v. RCO Reforesting, Inc., No. 2:16-cv-02523-WBS-CMK, 2017 WL 3421963, at *2-*3 (E.D. Cal. Aug. 9, 2017)