

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Damon Cook, et al. v. Mako Catering, LLC, et al.

Cook v. Mako Catering, LLC, Civil Action No. 24-02517 (E.D. La. Mar. 31, 2026) · No. Civil Action No. 24-02517 · Decided March 31, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted Plaintiffs’ motion to certify an FLSA collective action concerning alleged unpaid overtime for offshore employees paid a day rate. The court found that the proposed collective members were similarly situated because they were subject to the same overtime policy, and denied as moot the motion to dismiss Mako Unlimited, LLC as a party.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Greg Gerard Guidry
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 31, 2026
DOCKET	Civil Action No. 24-02517
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to certify an FLSA collective action. Defendants opposed certification and moved to dismiss Mako Unlimited, LLC as a party.
STANDARD OF REVIEW	The district court applied the Fifth Circuit's similarly-situated framework under section 216(b), considering whether the merits could be adjudicated collectively and exercising broad litigation-management discretion. Plaintiffs bore the burden of showing that the proposed collective members were similarly situated; defendants bore the burden of establishing the seaman exemption by a preponderance of the evidence.
PRECEDENTIAL VALUE	Unknown; district court order with no stated precedential status
PARTIES	Damon Cook, Jonathan Keno v. Mako Catering, LLC, Mako Unlimited, LLC

TOPICS

flsa wage and hour class actions employment law admiralty

PRACTICE AREAS

employment law wage and hour admiralty civil procedure

QUESTIONS PRESENTED

1. Whether the proposed group of Mako employees paid a day rate was similarly situated under 29 U.S.C. § 216(b) such that the court should certify an FLSA collective action.
2. Whether differences in the duties of cooks, stewards, and riggers and the defendants' individualized seaman-exemption defense precluded collective treatment at this stage.
3. Whether Mako Unlimited, LLC should be dismissed as a party.

HOLDINGS

1. The proposed collective satisfied the FLSA's similarly-situated requirement because the employees were allegedly subject to the same overtime policy, and the common issues could be adjudicated collectively.
2. Individualized evidence concerning the plaintiffs' and opt-ins' duties did not preclude certification at this stage because the court did not find that such evidence would overwhelm the court or make the collective unmanageable.
3. The motion to dismiss Mako Unlimited was denied as moot after the court granted collective-action certification.

KEY QUOTATIONS

“To decide whether a group of employees is similarly situated, the district court must consider whether merits questions can be answered collectively.” (5)

“At the core of the ‘similarly situated’ inquiry is the question whether the issues in the case can be adjudicated collectively.” (6)

“As in Breaux, the Court will certify the proposed collective action under its broad litigation-management discretion.” (9)

FACTUAL BACKGROUND

Plaintiffs alleged that Mako Catering and Mako Unlimited paid offshore employees a day rate under a common, confidential overtime policy that did not pay overtime for hours worked over forty in a week. Cook worked as a cook for Mako Catering, and Keno worked as a steward and rigger for Mako Unlimited; both worked extended offshore schedules and alleged that they were not seamen exempt from the FLSA. Defendants contended that the plaintiffs' duties aided the safe operation and navigation of vessels, that they received overtime for work exceeding twelve hours per day, and that individualized evidence would be required to determine the seaman exemption.

PROCEDURAL HISTORY

Cook and Keno filed an FLSA collective-action complaint seeking unpaid overtime wages and other damages. Plaintiffs moved to certify a collective consisting of Mako employees paid a day rate during the specified period. The district court granted certification, ordered the parties to confer regarding revised notice, and denied the motion to dismiss Mako Unlimited as moot.

DISPOSITION

other

CASES CITED

- Breaux v. Alliance Liftboats, LLC, Civ. A. No. 24-1000, 2025 WL 2830778
- Adams v. All Coast, L.L.C., 15 F.4th 365, 369 (5th Cir. 2021)
- Pre-Swales v. KLLM Transport Services, L.L.C., 985 F.3d 430 (5th Cir. 2021)
- Lusardi v. Xerox Corp., 118 F.R.D. 351 (D. N.J. Nov. 5, 1987)
- Loy v. Rehab Synergies, L.L.C., 71 F.4th 329 (5th Cir. 2023)
- Hill v. Muscogee Cnty. Sch. Dist., No. 03-60, 2005 WL 3526669, at *3 (M.D. Ga. Dec. 20, 2005)
- Faludi v. U.S. Shale Sols., L.L.C., 950 F.3d 269, 273 (5th Cir. 2020)
- Caballero v. Kelly Servs., Inc., No. 14-1828, 2015 WL 12732863, at *3 (S.D. Tex. Oct. 5, 2015)
- Nguyen v. Versacom, LLC, No. 3:13-CV-04689, 2016 WL 6650860, at *5 (N.D. Tex. Nov. 9, 2016)
- Mahoney v. Farmers Ins. Exch., No. 4:09-CV-02327, 2011 WL 4458513, at *10 (S.D. Tex. Sept. 23, 2011)