

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
MISSISSIPPI, NORTHERN DIVISION

Jaquay Jackson and Dana Rice, each individually and on behalf of all  
others similarly situated v. Mississippi Behavioral Health Services,  
LLC

Jackson v. Mississippi Behavioral Health Services, LLC · No. 3:22-CV-697-CWR-LGI · Decided March 10,  
2026

SUMMARY

The court grants in part the plaintiffs’ motion to certify an FLSA collective action against Mississippi Behavioral Health Services, LLC. It finds that the proposed Community Provider collective is similarly situated regarding job duties, compensation policies, unpaid overtime allegations, and potential FLSA exemptions. The court also addresses the form of court-facilitated notice and grants equitable tolling of the statute of limitations, while modifying aspects of the proposed notice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Mississippi, Northern Division                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Carlton W. Reeves                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Southern District of Mississippi, Northern Division                                                                                                                                                                                                         |
| DECIDED               | March 10, 2026                                                                                                                                                                                                                                                                                   |
| DOCKET                | 3:22-CV-697-CWR-LGI                                                                                                                                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiffs in an FLSA collective action moved for certification of a collective action, court-facilitated notice, and equitable tolling of the limitations period. Defendant opposed all requested relief.                                                                                       |
| STANDARD OF REVIEW    | The court applied the Fifth Circuit's Swales standard, rigorously scrutinizing whether proposed opt-in plaintiffs were similarly situated and whether liability could be determined collectively. Equitable tolling was reviewed under the discretionary standard applicable to district courts. |
| PRECEDENTIAL VALUE    | unpublished district court order; nonprecedential                                                                                                                                                                                                                                                |

## PARTIES

Jaquay Jackson, Dana Rice, Opt-in plaintiffs v. Mississippi Behavioral Health Services, LLC

## TOPICS

flsa class actions statute of limitations civil procedure employment law

## PRACTICE AREAS

employment law civil procedure remedies

## QUESTIONS PRESENTED

1. Whether the proposed Mental Health Therapist, Community Support Specialist, and Peer Support Specialist collective members were similarly situated under the FLSA so that collective-action certification and court-facilitated notice were appropriate.
2. Whether the proposed form and methods of FLSA notice should be modified, including whether reminder notices and limited disclosure of the last four digits of Social Security numbers were appropriate.
3. Whether equitable tolling of the FLSA limitations period was warranted for the period during which the certification motion was pending.

## HOLDINGS

1. The proposed Community Provider collective members were similarly situated because they performed materially similar duties, were subject to common compensation policies and practices, potentially worked uncompensated overtime under those policies, and could address MBHS's exemption defenses collectively. Certification of the FLSA collective action was therefore appropriate.
2. Court-facilitated notice was authorized with modifications. Plaintiffs could send reminder notices by mail, email, and text 21 days before the opt-in deadline; MBHS had to provide specified contact information and, for returned notices, the last four Social Security-number digits; and the notice had to state MBHS's position and that the court had expressed no opinion on the merits.
3. Equitable tolling was warranted from May 31, 2024, the date plaintiffs filed their certification motion, through March 10, 2026, the date of the order.

## KEY QUOTATIONS

*“The Court finds that the potential collective is similarly situated to the Plaintiffs.”* (Section III.A)

*“The Court finds the time spent considering this motion to be an extraordinary circumstance beyond the parties’ control. Thus, tolling is equitable.”* (Section III.C)

## FACTUAL BACKGROUND

MBHS operates community mental-health services in Mississippi and employs Mental Health Therapists, Community Support Specialists, and Peer Support Specialists as Community Providers. Community Providers performed billable client-care work and nonbillable duties such as travel, meetings, training, and recordkeeping; MBHS generally required 30 billable hours per week and treated the combination of billable and nonbillable work as a 40-hour workweek. Plaintiffs alleged that Community Providers worked more than 40 hours but were not paid overtime at the required premium rate, in part because MBHS did not adequately track nonbillable hours.

## PROCEDURAL HISTORY

Plaintiffs filed an FLSA action alleging that MBHS failed to pay overtime at one and one-half times the regular rate for hours worked over 40 in a workweek. Several employees joined the action. The court granted certification, authorized notice subject to modifications, approved a 60-day opt-in period and related production of contact information, authorized reminder notices, and granted equitable tolling from May 31, 2024, through the date of the order.

## DISPOSITION

other

## CASES CITED

- Sandoz v. Cingular Wireless, L.L.C., 700 F. App'x 317 (5th Cir. 2017)
- Loy v. Rehab Synergies, L.L.C., 71 F.4th 329 (5th Cir. 2023)
- Swales v. KLLM Transport Services, L.L.C., 985 F.3d 430 (5th Cir. 2021)
- Hubbard v. General Dynamics Information Technology, Inc., 2019 WL 2774332 (S.D. Miss. July 2, 2019)
- Klick v. Cenikor Foundation, 94 F.4th 362 (5th Cir. 2024)
- Britt v. Mississippi Farm Bureau Casualty Insurance Co., 2022 WL 331210 (N.D. Miss. Feb. 3, 2022)
- Garcia-Alvarez v. Fogo de Chao Churrascaria (Pittsburgh) LLC, 2022 WL 2119542 (E.D. Tex. June 13, 2022)
- Ryan v. Staff Care, Inc., 497 F. Supp. 2d 820 (N.D. Tex. 2007)
- Pedigo v. 3003 S. Lamar, LLP, 666 F. Supp. 2d 693 (W.D. Tex. 2009)
- Roberts v. Baptist Healthcare System, LLC, 2022 WL 4089819 (E.D. Tex. Aug. 9, 2022)
- Donohue v. Francis Services, Inc., 2004 WL 1161366 (E.D. La. May 24, 2004)
- Johnson v. Big Lots Stores, Inc., 2007 WL 5200224 (E.D. La. Aug. 21, 2007)
- Boswell v. St. Dominic Health Services, Inc., 2024 WL 4374120 (S.D. Miss. Oct. 2, 2024)
- Hewitt v. Helix Energy Solutions Group, Inc., 15 F.4th 289 (5th Cir. 2021), aff'd, Helix Energy Solutions Group, Inc. v. Hewitt, 598 U.S. 39 (2023)
- Killion v. KeHE Distributors, LLC, 761 F.3d 574 (6th Cir. 2014)
- Helix Energy Solutions Group, Inc. v. Hewitt, 598 U.S. 39 (2023)
- Harris v. Hinds County, Mississippi, 2014 WL 457913 (S.D. Miss. Feb. 4, 2014)
- Hoffmann-La Roche, Inc. v. Sperling, 493 U.S. 165 (1989)

- *Burke v. Management & Training Corp.*, 2017 WL 3166840 (N.D. Miss. July 25, 2017)
- *Jones v. Cretic Energy Services, LLC*, 149 F. Supp. 3d 761 (S.D. Tex. 2015)
- *Lawrence v. A-1 Cleaning & Septic Systems, LLC*, 2020 WL 2042323 (S.D. Tex. Apr. 28, 2020)
- *Birdie v. Brandi's Hope Community Services, LLC*, 2017 WL 2588089 (S.D. Miss. June 14, 2017)
- *Brooks v. Illusions, Inc.*, 2016 WL 6781244 (S.D. Miss. Nov. 16, 2016)
- *Britt v. Mississippi Farm Bureau Casualty Insurance Co.*, 2019 WL 943404 (N.D. Miss. Mar. 1, 2019)
- *Yaklin v. W-H Energy Services, Inc.*, 2008 WL 1989795 (S.D. Tex. May 2, 2008)
- *Reyes v. Quality Logging, Inc.*, 52 F. Supp. 3d 849 (S.D. Tex. 2014)
- *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946)
- *White v. Patriot Erectors, L.L.C.*, 2024 WL 3181455 (5th Cir. June 26, 2024)
- *Tyson Foods, Inc. v. Bouaphakeo*, 577 U.S. 442 (2016)
- *Maynor v. Dow Chemical Co.*, 671 F. Supp. 2d 902 (S.D. Tex. 2009)
- *Bass v. City of Jackson, Mississippi*, 878 F. Supp. 2d 701 (S.D. Miss. 2012)