

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Patrick Breaux v. Alliance Liftboats, LLC, et al.

Breaux · No. 24-1000 · Decided February 12, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Defendant Alliance Liftboats, LLC’s motion to certify or alter an interlocutory order certifying an FLSA collective action for immediate appeal under 28 U.S.C. § 1292(b). The court held that Defendant had not shown a controlling question of law presenting substantial grounds for difference of opinion or that an immediate appeal would materially advance termination of the litigation. The court also denied as moot the related motion to stay.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Susie Morgan
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	February 12, 2026
DOCKET	24-1000
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under 28 U.S.C. § 1292(b) and Federal Rule of Appellate Procedure 5(a)(3) to certify the court's interlocutory order certifying an FLSA collective action for immediate appeal, and also moved to stay that order pending appellate proceedings.
STANDARD OF REVIEW	Certification of an interlocutory appeal under 28 U.S.C. § 1292(b) is committed to the district court's discretion. The moving party bears the burden of satisfying all three statutory criteria, and interlocutory appeals are exceptional and strictly construed.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Alliance Liftboats, LLC v. Patrick Breaux

TOPICS

- interlocutory appeal
- appellate procedure
- civil procedure
- flsa
- wage and hour

PRACTICE AREAS

civil procedure

employment law

admiralty

QUESTIONS PRESENTED

1. Whether the district court's collective-action certification order involved a controlling question of law as to which there was substantial ground for difference of opinion under 28 U.S.C. § 1292(b).
2. Whether an immediate appeal of the collective-action certification order could materially advance the ultimate termination of the litigation under § 1292(b).
3. Whether the certification order should be stayed pending a request for interlocutory certification and any subsequent appeal.

HOLDINGS

1. The defendant failed to establish that the certification order presented a controlling question of law as to which there was substantial ground for difference of opinion. The question whether the employees were similarly situated involved applying established Fifth Circuit law to the circumstances of the collective, not a pure question of law presenting genuine doubt about the governing legal standard.
2. The defendant failed to show that an immediate appeal would materially advance termination of the litigation. Because the defendant conceded that at least some crewmembers could pursue a collective action and did not contend that a successful appeal would eliminate its liability, an appeal would not significantly abbreviate the district court proceedings.
3. The motion to stay the interlocutory collective-action certification order was denied as moot because the court denied the motion to certify an interlocutory appeal.

KEY QUOTATIONS

“Interlocutory appeals are “exceptional” and should not be granted “‘simply to determine the correctness’ of a ruling.”” (Law and Analysis, Part I)

“A controlling question of law is not “the application of settled law to disputed facts.”” (Law and Analysis, Part I)

“To demonstrate that an immediate appeal will materially advance the termination of the litigation, the movant must show that the appeal will “abbreviate [the district court proceedings] significantly.”” (Law and Analysis, Part II)

FACTUAL BACKGROUND

Patrick Breaux alleged that he worked as a cook aboard the L/B MIAMI, was paid a day rate regardless of hours worked, regularly worked more than forty hours per week, and was misclassified as a seaman exempt from overtime requirements. The district court certified an FLSA collective of crewmembers on specified Alliance vessels who performed a substantial amount of non-seaman work but were classified as exempt from overtime. Alliance challenged that certification order, but the Fifth Circuit dismissed its appeal for lack of jurisdiction.

PROCEDURAL HISTORY

Plaintiff filed an FLSA action seeking unpaid overtime wages and moved to certify a collective action. The district court certified a collective of crewmembers who allegedly performed substantial non-seaman work but were classified as exempt from overtime. Alliance appealed the certification order, but the Fifth Circuit dismissed that appeal for lack of jurisdiction. Alliance then sought § 1292(b) certification and a stay. The district court denied certification and denied the stay as moot.

DISPOSITION

other

CASES CITED

- Aparicio v. Swan Lake, 643 F.2d 1109, 1110 n.2 (5th Cir.)
- Waste Management of Louisiana, L.L.C. v. Parish, 2014 WL 5393362, at *3 (E.D. La. Oct. 22, 2014)
- Copelco Capital, Inc. v. Gautreaux, 1999 WL 729248, at *1 (E.D. La. Sept. 16, 1999)
- Swint v. Chambers County Commission, 514 U.S. 35, 47 (1995)
- Gulf Coast Facilities Management, LLC v. BG LNG Services, LLC, 730 F. Supp. 2d 552, 565 (E.D. La. 2010)
- Clark-Dietz & Associates-Engineers, Inc. v. Basic Construction Co., 702 F.2d 67, 67-69 (5th Cir. 1983)
- Allen v. Okam Holdings, Inc., 116 F.3d 153, 154 (5th Cir. 1997)
- United States ex rel. Branch Consultants, L.L.C. v. Allstate Insurance Co., 668 F. Supp. 2d 780, 813 (E.D. La. 2009)
- Southern U.S. Trade Association v. Unidentified Parties, 2011 WL 2790182, at *2 (E.D. La. July 14, 2011)
- Judicial Watch, Inc. v. National Energy Policy Development Group, 233 F. Supp. 2d 16, 19 (D.D.C. 2002)
- Property One, Inc. v. USAgencies, L.L.C., 830 F. Supp. 2d 170, 182 (M.D. La. 2011)
- Ryan v. Flowserve Corp., 444 F. Supp. 2d 718, 723-24 (N.D. Tex. 2006)
- Adams v. Walker, 2022 WL 457821, at *2 (E.D. La. Feb. 15, 2022)
- D.H. Griffin Wrecking Co. v. 1031 Canal Development, LLC, 2020 WL 7626817, at *3 (E.D. La. July 14, 2020)
- Alexander v. City Police of Lafayette, 2019 WL 5678376, at *1 (W.D. La. Oct. 30, 2019)
- Lake Charles Harbor & Terminal District v. Reynolds Metal Co., 2021 WL 5828720, at *2 (W.D. La. July 21, 2021)
- Loy v. Rehab Synergies, L.L.C., 71 F.4th 329, 339 (5th Cir. 2023)
- Roussell v. Brinker International, 441 F. App'x 222 (5th Cir. 2011)
- Torres v. Chambers Protective Services, Inc., 2021 WL 3419705, at *6 (N.D. Tex. Aug. 5, 2021)
- Chambers v. Maplebear, Inc., 746 F. Supp. 3d 206, 218 (S.D.N.Y. 2024)
- Silverthorne Seismic, L.L.C. v. Sterling Seismic Services, Ltd., 125 F.4th 593, 597, 601 (5th Cir. 2025)

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