

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Mike Oakleaf, et al. v. Southwest Janitorial Service LLC

Oakleaf · No. No. 24-2493-KHV · Decided April 7, 2026

SUMMARY

The United States District Court for the District of Kansas overruled as premature Mike Oakleaf’s unopposed motion to approve an FLSA settlement. The court held that a named plaintiff cannot settle claims on behalf of putative collective members before conditional certification, notice, and an opportunity for those members to opt in.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Kathryn H. Vratil
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 7, 2026
DOCKET	No. 24-2493-KHV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for approval of an unopposed settlement in an FLSA collective action before seeking conditional certification of the proposed collective. The district court overruled the motion as premature.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; precedential status is unknown.

TOPICS

- flsa
- wage and hour
- class actions
- employment law
- civil procedure

PRACTICE AREAS

- employment law
- wage and hour
- civil procedure
- remedies

QUESTIONS PRESENTED

- Whether the court may approve an FLSA settlement purporting to resolve claims of putative collective members before conditional certification, notice, and opt-in consent.

2. What procedural steps parties should follow when attempting to settle an FLSA collective action before conditional certification.

HOLDINGS

1. A named plaintiff cannot settle claims on behalf of putative FLSA collective members who have not received notice of the action and opted in by giving written consent.
2. When parties seek to settle an FLSA collective action before conditional certification, they should ask the court to conditionally certify the proposed collective, preliminarily approve the settlement, and approve notice to putative collective members before the opt-in period and final approval process.

FACTUAL BACKGROUND

Southwest Janitorial provides cleaning services for commercial businesses and government entities. From March to April 2024, Mike Oakleaf performed cleaning services for Southwest Janitorial, which classified him and similar workers as independent contractors and paid them a salary without overtime compensation. Oakleaf sued under the FLSA, and the parties later proposed a \$250,000 settlement fund for potential opt-in plaintiffs, settlement administration, a service award, and attorney fees and litigation expenses.

PROCEDURAL HISTORY

Mike Oakleaf filed an FLSA action on October 31, 2024, alleging that Southwest Janitorial misclassified him and similarly situated workers as independent contractors and failed to pay overtime. The parties reached a proposed settlement providing for a \$250,000 settlement fund and sought approval of the settlement and certification of an FLSA collective. Because putative collective members had not received notice or opted in, the court overruled the motion as premature.

DISPOSITION

other

CASES CITED

- Genesis Healthcare Corp. v. Symczyk, 569 U.S. 66, 69 (2013)
- Elston v. Horizon Glob. Ams., Inc., No. CV 19-2070-KHV, 2020 WL 6318660, at *3 (D. Kan. Oct. 28, 2020)
- Christeson v. Amazon.com.ksdc, LLC, No. 18-2043-KHV, 2019 WL 354956, at *3-*4 (D. Kan. Jan. 29, 2019)
- Vasquez v. Recover-Care Shawnee, LLC, No. 24-2183-HLT, 2025 WL 1744781, at *3 (D. Kan. Feb. 13, 2025)