



Successful Decertification of Nationwide Collective Action

Results

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On October 20, 2021, Judge Abdul Kallon released a Memorandum Opinion in *Hope M. Carr, et al. v. AutoZoners, LLC and AutoZone Stores, Inc.* that decertifies a nationwide Fair Labor Standards Act collective action. The case was originally filed in February 2015 and conditionally certified as a collective action in September 2016. The class included over 1,500 former and current store managers across the country. Burr & Forman LLP represents AutoZone in the matter.

“We are grateful for the opportunity to defend AutoZone in this matter,” said Bryce Metheny, Chair of the firm’s Labor and Employment practice group. “We are pleased the Court agreed the case was not appropriate for class treatment and look forward to continuing to advocate for our client in any future proceedings.”

In *Carr*, the United States District Court for the Northern District of Alabama Northeastern Division upheld AutoZone’s argument that the class members are not similarly situated and that “plaintiffs are unable to fairly present their claims at trial using common testimony from a subset of plaintiffs.” The court had previously conditionally certified the action as a collective action using the Eleventh Circuit’s two-stage procedure and authorized notice to current and former AutoZone store managers. AutoZone’s motion to decertify triggered the second stage “during which the court determines whether the named plaintiffs and the opt-ins are in fact similarly situated.” The Court concluded the plaintiffs did not meet their burden to establish they are similarly situated and announced it would decertify the matter as a collective action.

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