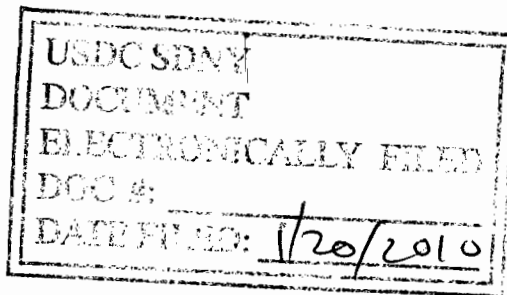


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
ARGENIS CORTES, et al.,

Plaintiffs,

-against-

FOOT LOCKER, INC.,

Defendant.
----- X

SUMMARY ORDER

06 Civ. 1046 (AKH)

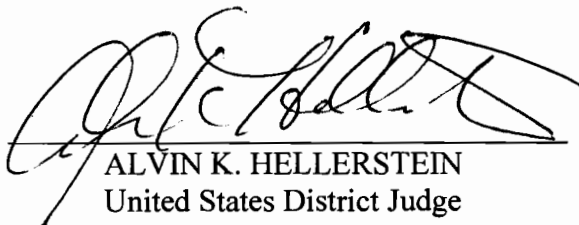
ALVIN K. HELLERSTEIN, U.S.D.J.:

The Plaintiffs in the above-captioned case claim Defendant violated a variety of state and federal labor laws. On January 13, 2010, the parties appeared before me for oral argument on Plaintiffs' motion to certify a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure and a collective action pursuant to the Fair Labor Standards Act ("FLSA"). For the reasons stated on the record, Plaintiffs motion to certify a class action pursuant to Rule 23 is denied. Plaintiff's motion to certify a collective action under the FLSA is granted to the extent the collective action consists only of employees holding the title of "Assistant Managers."

The Clerk shall mark the motion (Doc. No. 29) terminated.

SO ORDERED.

Dated: January 20, 2010
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge