Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

GENESIS HEALTHCARE CORP. ET AL. *v*. SYMCZYK

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 11–1059. Argued December 3, 2012—Decided April 16, 2013

Respondent brought a collective action under the Fair Labor Standards Act of 1938 (FLSA) on behalf of herself and "other employees similarly situated." 29 U. S. C. §216(b). After she ignored petitioners' offer of judgment under Federal Rule of Civil Procedure 68, the District Court, finding that no other individuals had joined her suit and that the Rule 68 offer fully satisfied her claim, concluded that respondent's suit was moot and dismissed it for lack of subject-matter jurisdiction. The Third Circuit reversed. It held that respondent's individual claim was moot but that her collective action was not, explaining that allowing defendants to "pick off" named plaintiffs before certification with calculated Rule 68 offers would frustrate the goals of collective actions. The case was remanded to the District Court to allow respondent to seek "conditional certification," which, if successful, would relate back to the date of her complaint.

Held: Because respondent had no personal interest in representing putative, unnamed claimants, nor any other continuing interest that would preserve her suit from mootness, her suit was appropriately dismissed for lack of subject-matter jurisdiction. Pp. 3–12.

(a) While the Courts of Appeals disagree whether an unaccepted Rule 68 offer that fully satisfies a plaintiff's individual claim is sufficient to render that claim moot, respondent conceded the issue below and did not properly raise it here. Thus, this Court assumes, without deciding, that petitioners' offer mooted her individual claim. Pp. 3–5.

(b) Well-settled mootness principles control the outcome of this case. After respondent's individual claim became moot, the suit became moot because she had no personal interest in representing others in the action. To avoid that outcome, respondent relies on cases that arose in the context of Rule 23 class actions, but they are inap-

posite, both because Rule 23 actions are fundamentally different from FLSA collective actions and because the cases are inapplicable to the facts here. Pp. 5–11.

(1) Neither *Sosna* v. *Iowa*, 419 U. S. 393, nor *United States Parole Comm'n* v. *Geraghty*, 445 U. S. 388, support respondent's position. *Geraghty* extended the principles of *Sosna*—which held that a class action is not rendered moot when the named plaintiff's individual claim becomes moot *after* the class has been duly certified—to *denials* of class certification motions; and it provided that, where an action would have acquired independent legal status but for the district court's erroneous denial of class certification, a corrected ruling on appeal "relates back" to the time of the erroneous denial. 445 U. S., at 404, and n. 11. However, *Geraghty*'s holding was explicitly limited to cases in which the named plaintiff's claim remains live at the time the district court denies class certification. See *id.,* at 407, n. 11. Here, respondent had not yet moved for "conditional certification" when her claim became moot, nor had the District Court anticipatorily ruled on any such request. She thus has no certification decision to which her claim could have related back. More fundamentally, essential to *Sosna* and *Geraghty* was the fact that a putative class acquires an independent legal status once it is certified under Rule 23. By contrast, under the FLSA, "conditional certification" does not produce a class with an independent legal status, or join additional parties to the action. Pp. 7–8.

(2) A line of cases holding that an "inherently transitory" class-action claim is not necessarily moot upon the termination of the named plaintiff's claim, see, *e.g.*, *County of Riverside* v. *McLaughlin*, 500 U. S. 44, 52, is similarly inapplicable. Respondent argues that a defendant's use of Rule 68 offers to "pick off" a named plaintiff before the collective-action process is complete renders the action "inherently transitory." But this rationale was developed to address circumstances in which the challenged conduct was effectively unreviewable because no plaintiff possessed a personal stake in the suit long enough for litigation to run its course, and it has invariably focused on the fleeting nature of the challenged conduct giving rise to the claim, not on the defendant's litigation strategy. Unlike a claim for injunctive relief, a damages claim cannot evade review, nor can an offer of full settlement insulate such a claim from review. Putative plaintiffs may be foreclosed from vindicating their rights in respondent's suit, but they remain free to do so in their own suits. Pp. 8–10.

(3) Finally, *Deposit Guaranty Nat. Bank* v. *Roper*, 445 U. S. 326, does not support respondent's claim that the purposes served by the FLSA's collective-action provisions would be frustrated by defendants' use of Rule 68 to "pick off" named plaintiffs before the collective-

Syllabus

action process has run its course. In *Roper*, where the named plaintiffs' individual claims became moot after the District Court denied their Rule 23 class certification motion and entered judgment in their favor based on defendant's offer of judgment, this Court found that the named plaintiffs could appeal the denial of certification because they possessed an ongoing, personal economic stake in the substantive controversy, namely, to shift a portion of attorney's fees and expenses to successful class litigants. Here, respondent conceded that petitioners' offer provided complete relief, and she asserted no continuing economic interest in shifting attorney's fees and costs. Moreover, *Roper* was tethered to the unique significance of Rule 23 class certification decisions. Pp. 10–11.

656 F. 3d 189, reversed.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, and ALITO, JJ., joined. KAGAN, J., filed a dissenting opinion, in which GINSBURG, BREYER, and SOTOMAYOR, JJ., joined.

SUPREME COURT OF THE UNITED STATES

No. 11–1059

GENESIS HEALTHCARE CORPORATION, ET AL., PETITIONERS *v.* LAURA SYMCZYK

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[April 16, 2013]

JUSTICE THOMAS delivered the opinion of the Court.

The Fair Labor Standards Act of 1938 (FLSA), 29 U. S. C. §201 *et seq.*, provides that an employee may bring an action to recover damages for specified violations of the Act on behalf of himself and other "similarly situated" employees. We granted certiorari to resolve whether such a case is justiciable when the lone plaintiff's individual claim becomes moot. 567 U. S. ___ (2012). We hold that it is not justiciable.

I

The FLSA establishes federal minimum-wage, maximum-hour, and overtime guarantees that cannot be modified by contract. Section 16(b) of the FLSA, 52 Stat. 1060, as amended, 29 U. S. C. §216(b), gives employees the right to bring a private cause of action on their own behalf and on behalf of "other employees similarly situated" for specified violations of the FLSA. A suit brought on behalf of other employees is known as a "collective action." See *Hoffmann-La Roche Inc.* v. *Sperling*, 493 U. S. 165, 169–170 (1989).

In 2009, respondent, who was formerly employed by

petitioners as a registered nurse at Pennypack Center in Philadelphia, Pennsylvania, filed a complaint on behalf of herself and "all other persons similarly situated." App. 115–116. Respondent alleged that petitioners violated the FLSA by automatically deducting 30 minutes of time worked per shift for meal breaks for certain employees, even when the employees performed compensable work during those breaks. Respondent, who remained the sole plaintiff throughout these proceedings, sought statutory damages for the alleged violations.

When petitioners answered the complaint, they simultaneously served upon respondent an offer of judgment under Federal Rule of Civil Procedure 68. The offer included $7,500 for alleged unpaid wages, in addition to "such reasonable attorneys' fees, costs, and expenses . . . as the Court may determine." *Id.,* at 77. Petitioners stipulated that if respondent did not accept the offer within 10 days after service, the offer would be deemed withdrawn.

After respondent failed to respond in the allotted time period, petitioners filed a motion to dismiss for lack of subject-matter jurisdiction. Petitioners argued that because they offered respondent complete relief on her individual damages claim, she no longer possessed a personal stake in the outcome of the suit, rendering the action moot. Respondent objected, arguing that petitioners were inappropriately attempting to "pick off" the named plaintiff before the collective-action process could unfold. *Id.,* at 91.

The District Court found that it was undisputed that no other individuals had joined respondent's suit and that the Rule 68 offer of judgment fully satisfied her individual claim. It concluded that petitioners' Rule 68 offer of judgment mooted respondent's suit, which it dismissed for lack of subject-matter jurisdiction.

The Court of Appeals reversed. 656 F. 3d 189 (CA3

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