

No. 25-0310

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Apr 7, 2026  
KELLY L. STEPHENS, Clerk

In re: KIARA LOTT, on behalf of herself and all )  
others similarly situated, )  
 )  
Petitioner. )

ORDER

Before: COLE, THAPAR, and LARSEN, Circuit Judges.

Plaintiff Kiara Lott, on behalf of herself and all others similarly situated, petitions for permission to appeal a district court’s interlocutory order granting summary judgment in part to defendants Recker Consulting, LLC and LYP Contact Center, LLC in this collective action brought under the Fair Labor Standards Act. Lott asks the court to permit an appeal based on two questions: (1) when does the compensable workday begin and end for employees who work exclusively in a remote setting by fielding phone calls using employer-provided software programs and applications; and (2) what is the legal status of plaintiffs who have opted-in pursuant to 29 U.S.C. § 216(b) prior to the district court’s determination that they are similarly situated. The district court certified its order for appeal because it found the first of these questions satisfied the requirements of 28 U.S.C. § 1292(b). Defendants do not oppose the petition.

A district court may certify an order for interlocutory appeal if it finds that the “order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b); *see also In re Trump*, 874 F.3d 948, 951 (6th Cir. 2017) (order). If the district court certifies such an order, we may exercise our discretion to

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permit an appeal from that order. *Trump*, 874 F.3d at 951. In addition to the section 1292(b) factors, which are “treated as guiding criteria rather than jurisdictional requisites,” prudential factors may also guide our exercise of discretion. *Id.* (citation modified).

We conclude that these criteria are met for Lott’s first question, involving when a remote employee’s compensable workday begins and ends. Given our conclusion that Lott’s first issue warrants granting her petition, we decline to consider whether the second issue does. *See id.* at 951 n.3 (holding that the court may review the district court’s order in full upon granting a petition since “section 1292(b) authorizes certification of orders for interlocutory appeal, not certification of questions” (citation omitted)).

Therefore, the petition for permission to appeal is **GRANTED**.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk