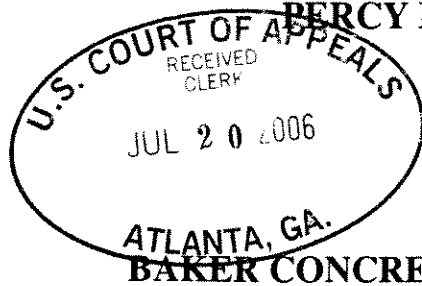


**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Case No.: 06-12515-A

L.T. Case No.: 02-CV-23286-SIMONTON



BERCY BONILLA, ET. AL.

Appellants,

v.

BAKER CONCRETE CONSTRUCTION, INC.

Appellee.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**MOTION OF THE SOCIETY FOR HUMAN RESOURCE MANAGEMENT
AND THE CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA
FOR LEAVE TO FILE BRIEF *AMICI CURIAE*
IN SUPPORT OF APPELLEE
FOR AFFIRMANCE OF THE DISTRICT COURT DECISION**

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Case No.: 06-12515-A
L.T. Case No.: 02-CV-23286-SIMONTON

PERCY BONILLA, ET. AL.

Appellants,

v.

BAKER CONCRETE CONSTRUCTION, INC.

Appellee.

**CERTIFICATE OF INTERESTED PERSONS
AND DISCLOSURE STATEMENT**

1. The Chamber of Commerce of the United States of America (*amicus curiae*).
2. Robin S. Conrad, Esq. (Counsel for the Chamber of Commerce of the United States of America and *amici curiae*).
3. Jones Day (Counsel to *amici curiae*).
4. Samuel Estreicher, Esq. (Counsel to *amici curiae*).
5. Theresa Moser, Esq. (Counsel to *amici curiae*).
6. Society for Human Resource Management (*amicus curiae*).

Pursuant to Eleventh Circuit Rule 26.1-1, this Certificate includes only persons and entities omitted from the Certificates contained in Appellants' Initial Brief, and Appellee's Answer Brief.

Society for Human Resource Management does not have a parent company and no publicly held corporation owns 10% or more of its stock.

The Chamber of Commerce of the United States of America does not have a parent company and no publicly held corporation owns 10% or more of its stock.

Dated: July 20, 2006

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**MOTION OF THE SOCIETY FOR HUMAN RESOURCE MANAGEMENT
AND THE CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
FOR LEAVE TO FILE BRIEF *AMICI CURIAE*
IN SUPPORT OF APPELLEE
FOR AFFIRMANCE OF THE DISTRICT COURT DECISION**

Amici Curiae, the Society for Human Resource Management (“SHRM”), and the Chamber of Commerce of the United States of America (“the Chamber”), respectfully move for leave of this Court to file the following brief *amici curiae* in the above captioned matter. Appellee *has* consented to the filing of this brief. Appellants have withheld consent to file this brief, thus necessitating this motion.

SHRM is the world's largest association devoted to human resource management. Representing more than 210,000 individual members, the Society's mission is both to serve human resource management professionals and to advance the profession. Founded in 1948, SHRM currently has more than 550 affiliated chapters within the United States and members in more than 100 countries.

The Chamber is the world's largest business federation. It represents an underlying membership of more than three million businesses, state and local chambers of commerce, and professional organizations of every size, in every industry sector, and from every region of the country. The Chamber advocates the

interests of the business community in courts across the nation by filing *amicus curiae* briefs in cases involving issues of national concern to American businesses.

Both the Chamber and SHRM have appeared as *amici curiae* in other cases relating to the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (2002) (“FLSA”) and its Portal-to-Portal Act amendments, 29 U.S.C. §§ 251 *et seq.* (2002) (“Portal Act”). SHRM and the Chamber, recently filed, for example, the principal brief *amicus curiae* for the employer community in IBP, Inc. v. Alvarez, 126 S.Ct. 514 (2005).

The *amici* organizations (“*amici*”) have a vital interest in this case because it concerns the scope and extent of preliminary and postliminary travel time for which employers can be forced to pay under the FLSA. *Amici* are concerned with maintaining the integrity of the FLSA and its Portal Act amendments which, they believe, strike the appropriate balance between compensability and flexibility for employers in managing their workforces. This balance directly affects the manner in which *amici*, as employers and human resource professionals charged with implementing employer policy and FLSA policy, conduct their business.

This brief *amicus curiae* should assist this Court’s deliberations in the instant case because it includes analysis of the legislative history of the Portal Act not included in the briefs of either party. This brief also addresses a variety of policy concerns implicated in this case that are not highlighted in the briefs of either party.

Respectfully submitted,

Dated: July 20, 2006

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 2006, I filed the foregoing with the Clerk of the Court for the Eleventh Circuit and served by U.S. Mail on J. H. Zidell, Esquire, Attorney for Appellants, 300 71st Street, #605, Miami Beach, Florida 33141, and Andrew S. Hament, Gray Robinson, P.A., Attorneys for Appellee, 1800 W. Hibiscus Blvd., Suite 138, Melbourne, Florida 32901.



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