

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

_____)	
In re FEDEX GROUND PACKAGE)	CAUSE NO. 3:05-MD-527 RM
SYSTEM, INC., EMPLOYMENT)	(MDL-1700)
PRACTICES LITIGATION)	
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THIS DOCUMENT RELATES TO:)	
)	
3:08-CV-336 (<i>Kelly</i> - Ohio))	
3:05-CV-540 (<i>Humphreys</i> - Texas))	
_____)	

ORDER

The parties in the two captioned cases have filed jointly signed stipulations of dismissal without prejudice, FED. R. CIV. P. 41(a)(1)(A)(ii), as follows:

- 3:08-CV-336 (*Kelly* - Ohio): stipulated dismissal of Family and Medical Leave Act (FMLA) claim without prejudice (which claim is not class certified) (Count 3, Class Action Complaint) [3:05-md-527, Doc. no. 2462];
- 3:05-CV-540 (*Humphreys* - Texas): stipulated dismissal of Federal Motor Carrier Act (FMCA) claim without prejudice (which claim is not class certified) (Count 1, Fourth Amended Complaint) [3:05-md-527, Doc. No. 2464].

Though no court order is required, the court issues this order to clarify that the court held the class plaintiffs in these cases to be independent contractors under the relevant state’s laws and these stipulations dispose of the outstanding federal claims in these cases . See Opinion and Order, Dec. 13, 2010, at 123-127 & 152-157 [Doc. No. 2239]. Accordingly, the court will not suggest remand of these cases and instead DIRECTS the clerk to enter judgment in favor of FedEx on all claims not dismissed in these two cases.

SO ORDERED.

ENTERED: February 4, 2011

_____/s/ Robert L. Miller, Jr._____
Judge
United States District Court