

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

JIMMY BELUE, ET AL.	§	PLAINTIFFS
	§	
VS.	§	CASE NO. 2:07CV1004-KS-MTP
	§	
WAYNE FARMS LLC	§	DEFENDANT
	§	
<u>CONSOLIDATED WITH</u>	§	
	§	
ROBERT THOMAS DUNN, ET AL.	§	PLAINTIFFS
	§	
VS.	§	CASE NO. 2:07CV1005-MTP
	§	
WAYNE FARMS LLC	§	DEFENDANT

PARTIAL DISMISSAL ORDER

On November 17, 2008, Defendant filed its motion (Doc. 59) seeking entry of partial summary judgment against 1 Plaintiff whom it contended should be dismissed because he cannot establish a claim for unpaid overtime under the Fair Labor Standards Act (FLSA). The Motion stated that the Plaintiff cannot demonstrate that he worked any overtime hours at Wayne Farms because after examining his actual personal time card swipes, he never worked more than 40 hours in any given work week. The time for response has expired and no opposition has been filed. The unopposed factual materials submitted with the Motion being adequate to support the related legal conclusions proposed therein, the Motion is granted, and the following Plaintiff is dismissed from this action, with prejudice.

Plaintiff Name	Consent Filed¹
Gallagher, Michael L.	9/13/07 (Doc. 75-2, p. 11, filed in N.D. Ala. 4:06cv2095)

So ordered this 18th day of December, 2008.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE

¹This consent was originally filed in case 4:06cv2095 in the Northern District of Alabama. The N.D. Ala. case was transferred to this case, 2:07cv1004 on 11/20/07. See Doc.4 in 2:07cv1004: "Case transferred in from District of Alabama Northern; Case Number 4:06-cv-02095. Original file with documents numbered 1 - 84, certified copy of transfer order and docket sheet received."