

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14569

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 23, 2008 THOMAS K. KAHN CLERK

D. C. Docket No. 06-02150 CV-LSC-W

PENNY ALLEN,

Plaintiff-Appellant,

versus

DOLGENCORP, INC.,
DOLLAR GENERAL PARTNERS,
DOLGENCORP OF NEW YORK, INC.,
DOLGENCORP OF TEXAS, INC.,

Defendants-Appellees.

No. 07-14570

D. C. Docket No. 06-02160 CV-LSC-W

BERYL DAUZAT,

Plaintiff-Appellant,

versus

DOLGENCORP, INC.,
DOLLAR GENERAL PARTNERS,
DOLGENCORP OF NEW YORK, INC.,
DOLGENCORP OF TEXAS, INC.,

Defendants-Appellees.

No. 07-14571

D. C. Docket No. 06-02164 CV-LSC-W

DEBORAH FRANCIS,

Plaintiff-Appellant,

versus

DOLGENCORP, INC.,
DOLLAR GENERAL PARTNERS,
DOLGENCORP OF NEW YORK, INC.,
DOLGENCORP OF TEXAS, INC.,

Defendants-Appellees.

No. 07-14572

D. C. Docket No. 06-02165 CV-LSC-W

REGINA FRANKLIN,

Plaintiff-Appellant,

versus

DOLGENCORP, INC.,
DOLLAR GENERAL PARTNERS,
DOLGENCORP OF NEW YORK, INC.,
DOLGENCORP OF TEXAS, INC.,

Defendants-Appellees.

No. 07-14573

D. C. Docket No. 06-02171 CV-LSC-W

MICHAEL HADAWAY,

Plaintiff-Appellant,

versus

DOLGENCORP, INC.,
DOLLAR GENERAL PARTNERS,
DOLGENCORP OF NEW YORK, INC.,
DOLGENCORP OF TEXAS, INC.,

Defendants-Appellees.

No. 07-14574

D. C. Docket No. 06-02204 CV-LSC-W

CATHY THOMAS,

Plaintiff-Appellant,

versus

DOLGENCORP, INC.,
DOLLAR GENERAL PARTNERS,
DOLGENCORP OF NEW YORK, INC.,
DOLGENCORP OF TEXAS, INC.,

Defendants-Appellees.

No. 07-14575

D. C. Docket No. 06-02213 CV-LSC-W

WANDA WOMACK,

Plaintiff-Appellant,

versus

DOLGENCORP, INC.,
DOLLAR GENERAL PARTNERS,

DOLGENCORP OF NEW YORK, INC.,
DOLGENCORP OF TEXAS, INC.,

Defendants-Appellees.

Appeals from the United States District Court
for the Northern District Of Alabama

(May 23, 2008)

Before DUBINA and BARKETT, Circuit Judges, and SCHLESINGER*, District Judge.

PER CURIAM:

Appellants are store managers of a number of Dollar General stores in Alabama. They appeal the district court's grant of summary judgment in favor of Appellee Dolgencorp, Inc. ("Dollar General"), on Appellants' claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 2001-2019.

The question before us is whether there is a genuine issue of material fact as to whether the Appellants' primary duty was management. At the time the district court granted summary judgment in this case, the court did not have the benefit of our recent decision in *Rodriguez v. Farm Stores Grocery, Inc.*, ___ F.3d ___, 2008

*Honorable Harvey E. Schlesinger, United States District Judge for the Middle District of Florida, sitting by designation.

WL 601845 at *4 (11th Cir. 2008). Our holding in *Rodriguez* could affect the outcome of the present case. Accordingly, we vacate the district court's grant of summary judgment and remand this case to the district court to reconsider its decision in light of *Rodriguez*.¹

VACATED AND REMANDED.

¹ We express no opinion as to whether summary judgment is appropriate in this case. On remand, the district court should reexamine whether any genuine issue of material fact exists under the *Rodriguez* analysis.