

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 23, 2012

No. 11-20151

Lyle W. Cayce
Clerk

JAN HARRIS, Individually, and on Behalf of Others Similarly Situated;
KATHY PARKS,

Plaintiffs-Appellees

v.

AUXILIUM PHARMACEUTICALS, INCORPORATED,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas

Before KING, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

By stipulation and agreement of the parties, the September 28, 2010 order of the district court is reversed, and this case is remanded with instructions to enter judgment in favor of Defendant - Appellant Auxilium Pharmaceuticals, Incorporated on Plaintiffs' Fair Labor Standards Act claims. Each party shall bear its own costs of this appeal.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.