

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JASON BALLARD and NICOLAS)
IRELAND, on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
v.)
)
COVINGTON COUNTY)
COMMISSION, et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:09cv1156-MHT
(WO)

ORDER

It is ORDERED as follows:

- (1) Defendant Dennis Meeks's motion to dismiss (Doc. No. 2) and defendants Lynn Sasser and Covington County Commission's motion to dismiss (Doc. No. 5) are granted as to plaintiffs Jason Ballard and Nicolas Ireland's claim under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219, against defendant Sasser in his official capacity, as duplicative of the same claim against defendant Covington County Commission. Plaintiffs Ballard and Ireland do not contest this issue.

- (2) Said motions are granted as to plaintiffs Ballard and Ireland's state claims against defendant Sasser in his official capacity, as duplicative of the same claims against defendant Covington County Commission. Plaintiffs Ballard and Ireland do not contest this issue.
- (3) Said motions are granted as to plaintiff Ireland's state claims against defendant Covington County Commission because plaintiff Ireland failed to provide it with pre-lawsuit notice of the claims. Plaintiff Ireland concedes this issue.
- (4) Said motions are denied without prejudice in all other respects. The court will address the remaining issues in these motions when it resolves the pending motions for summary judgment.

DONE, this the 13th day of September, 2010.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE