

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

BARBARA SUE HAYES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:15cv648-MHT
)	(WO)
WAL-MART, INC., a)	
corporation; and)	
EWUVONKA FLOURNOY, an)	
individual,)	
)	
Defendants.)	

OPINION

Plaintiff filed this lawsuit against defendants Wal-Mart, Inc., and Ewuvonka Flournoy asserting that Flournoy, her supervisor, discriminated against her on the basis of race and age, subjected her to a hostile environment, and terminated her in retaliation for making a complaint; she also asserts state-law tort claims. Sam's East, Inc., which contends that it is the proper defendant in this case, filed an answer and motion to dismiss on behalf of Wal-Mart, Inc. This lawsuit is now before the court on the recommendation

of the United States Magistrate Judge that Sam's East, Inc./Wal-Mart, Inc.'s motion to dismiss the case be granted in part and denied in part, and that Flournoy's motion to dismiss be granted. Also before the court are plaintiff's objections to the recommendation, and her incorporated motion for leave to file an amended complaint. After an independent and de novo review of the record, the court concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted. The motion for leave to amend the complaint will be referred back to the magistrate judge. Although noncompliance is not grounds for denial of a motion to amend, the court brings to the plaintiff's attention Local Rule 51.1, which provides: "A party who moves to amend a pleading, document or other papers shall attach the original of the amendment to the motion. Any amendment to a pleading, document or other papers, whether filed as a matter of course or upon a motion to amend, must,

except by leave of Court, reproduce the entire pleading, document or other papers as amended, and may not incorporate any prior pleading, document or other papers by reference. A failure to comply with this rule is not grounds for denial of the motion." M.D. Ala., LR 15.1.

An appropriate judgment will be entered.

DONE, this the 13th day of April, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE