

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

CHARLES W. STEWART,)
)
 Plaintiff,) CIVIL ACTION NO.
)
 v.) 3:16cv356-MHT
) (WO)
 ARGOS READY MIX, LLC,)
 et al.,)
)
 Defendants.)

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) Defendant Ronnee J. Pedersen's objections (doc. no. 39) are overruled.

(2) The United States Magistrate Judge's recommendation (doc. no. 38) is adopted.

(3) Defendants' motion to strike (doc. no. 15) is denied.

(4) Defendants' motion to dismiss (doc. no. 16) is granted only to the extent that: plaintiff Charles W.

Stewart's claims against defendant Pedersen under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, et seq., and the Family and Medical Leave Act, 29 U.S.C. § 2601, et seq., (counts one and three) are dismissed; and plaintiff Stewart's ADA failure-to-accommodate claim and fraudulent-deceit claim (counts two and five) are dismissed as to all defendants. The motion to dismiss is denied in all other respects. No defendant is terminated.

This case is not closed, and this matter be referred back to the magistrate judge for further proceedings.

DONE, this the 14th day of December, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE