

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

CHARLES W. STEWART,)
)
 Plaintiff,)
)
 v.)
)
 ARGOS READY MIX, LLC,)
 et al.,)
)
 Defendants.)

CIVIL ACTION NO.
3:16cv356-MHT
(WO)

OPINION AND ORDER

Plaintiff Charles W. Stewart filed this lawsuit asserting federal claims under the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., and the Family Medical Leave Act, 29 U.S.C. § 2601, et seq., as well as claims under state law. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendant Ronnee J. Pedersen's motion to dismiss or, alternatively, for judgment on the pleadings be denied. Also before the court are defendant Pedersen's objections to the recommendation. After an independent and de novo

review of the record, the court concludes that Pedersen's objections should be overruled and the magistrate judge's recommendation adopted.

Accordingly, it is ORDERED that:

(1) Defendant Ronnee J. Pedersen's objections (doc. no. 49) are overruled.

(2) The United States Magistrate Judge's recommendation (doc. no. 48) is adopted.

(3) Defendant Pederson's motion to dismiss or, alternatively, for judgment on the pleadings (doc. no. 42) is denied.

This case is referred back to the magistrate judge for further proceedings.

DONE, this the 17th day of April, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE