

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KENNETH D. WILLIAMS,)

Plaintiff)

vs.)

Case No. 2:12-cv-01919-KOB

SEACREST INVESTMENTS, INC.,)

et al.,)

Defendants)

MEMORANDUM OPINION

On March 5, 2015, the magistrate judge entered his report and recommendation (doc. 37), recommending that the court grant in part and deny in part the “Defendants’ Motion for Summary Judgment” (doc. 18).

After careful consideration of the record in this case and the magistrate judge’s report and recommendation, the court hereby ADOPTS the report of the magistrate judge and ACCEPTS his recommendations. The court finds the following:

(1) that the Defendants’ motion for summary judgment as to the portion of Count One in which the Plaintiff claims that his wages were improperly reduced by the deduction for meals is due to be GRANTED. The court finds that no genuine

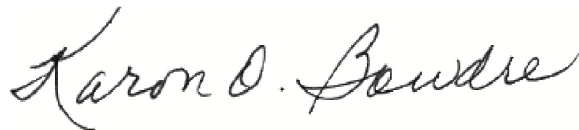
issue of material fact exists on this issue and that the Defendants are entitled to judgment as a matter of law on this claim;

(2) that the Defendants' motion for summary judgment as to the remainder of Count One, in which the Plaintiff claims that the Defendants failed to pay him minimum wage for all hours worked both on-the-clock and off-the-clock is due to be DENIED because a genuine issue of material fact exists on this claim;

(3) that the Defendants' motion for summary judgment as to Count Two, in which the Plaintiff claims that the Defendants failed to pay him for time worked in excess of 40 hours per week is due to be DENIED because a genuine issue of material fact exists on this claim; and

(4) that the Defendants' motion for attorney's fees contained within the body of their reply brief (doc. 28 at 10) is due to be DENIED.

DONE and ORDERED this 23th day of March, 2015.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE