

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

ABRAHAM SANCHEZ,)
)
 Plaintiff,)
)
 vs.)
)
 LAS FIESTAS, INC.; CARLOS)
 SANCHEZ;)
)
 Defendants.)

CASE NO. 3:10-CV-0614-SLB

ORDER

In accordance with the Memorandum Opinion entered contemporaneously herewith, it is hereby **ORDERED** as follows:

1. Plaintiff’s Objection to Magistrate Judge’s Report and Recommendation, (doc. 27), is **SUSTAINED**. The court **REJECTS** the Recommendation of the Magistrate Judge that plaintiff’s Motion for Partial Summary Judgment, (doc. 18), should be denied as to defendants’ affirmative defense based on the executive exemption.

2. Plaintiff’s Motion for Partial Summary Judgment, (doc. 18), is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff’s Motion is **GRANTED** as to defendants’ affirmative defense based on the executive exemption. For purposes of plaintiff’s claim for unpaid overtime wages, the court finds that plaintiff is not a bona fide executive employee exempt from the Fair Labor Standards Act overtime wage provision. Plaintiff’s Motion is **DENIED** as to his claim for attorney’s fees.

DONE, this 31st day of August, 2012.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE