

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

WESLEY KELLEY

PLAINTIFF

v.

NO. 3:12CV00246 JLH

NITROGEN SOLUTIONS, L.L.C.;  
MICHAEL STICKLER; MATTHEW MCCAUGHEY;  
JOHN MCCAUGHEY; JOAN KHILLING;  
and MICHAEL JACQUES

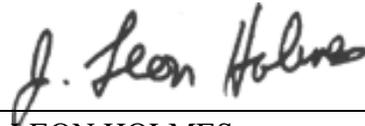
DEFENDANTS

**ORDER**

Three motions for partial summary judgment are pending. The defendants have moved for partial summary judgment on the issue of whether Wesley Kelley was exempt from the overtime requirements of the Fair Labor Standards Act by virtue of the executive exemption. Kelley has filed a partial summary judgment on the issue of whether he was exempt from the overtime requirements of the Fair Labor Standards Act, and he has also moved for summary judgment with respect to alleged violations of the minimum wage requirements of the Fair Labor Standards Act. The defendants assert only the executive exemption as a basis for argument that they were not required to pay Kelley overtime. Therefore, Kelley's motion for partial summary judgment is granted with respect to all exemptions other than the executive exemption. With respect to the remaining issues, this action is scheduled for a bench trial, and in the interest of judicial economy the Court will defer addressing the disputed issues until all of the evidence has been received.

For the reasons stated, the defendants' motion for partial summary judgment is denied. Document #29. Kelley's motion for partial summary judgment on minimum wage violations is denied. Document #33. Kelley's motion for partial summary judgment regarding the FLSA exemptions is granted in part and denied in part. Document #41.

IT IS SO ORDERED this 17th day of September, 2013.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a large, stylized initial "J".

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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE