

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-22114-CIV-UNGARO/SIMONTON
CONSENT CASE

NOURREDDINE CHAKROUN,

Plaintiff,

v.

SARA FOOD MARKET, INC.,
and ISMAT K. MUHTASEB,

Defendants.

ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Presently pending before this Court is Defendants Sara Food Market, Inc.'s ("Sara Food Market") and Ismat K. Muhtaseb's Dispositive Motion for Summary Judgment (DE #30). Plaintiff Nourreddine Chakroun filed a Response in Opposition to the Motion (DE #35), and Defendants filed a Reply (DE # 40). Pursuant to the consent of the Parties, this case has been referred to the undersigned Magistrate Judge for full disposition (DE #23). Oral argument on the Motion was held on February 24, 2011.

Based upon arguments of counsel, and a review of the record as a whole, and viewing all inferences in the light most favorable to Plaintiff, for the reasons stated at the hearing on this Motion, the Court has determined that Defendants have failed to establish that no genuine issue of material fact exists regarding (a) whether Plaintiff was an employee of Sara Food Market as well as the French Bakery and Café – either under a theory of joint employer status, through an operation of the two enterprises as one entity or based upon independent work performed by Plaintiff for Sara Food Market; and (b) whether a valid partnership existed between Salem Muhtaseb and Plaintiff concerning the French Bakery and Café. In this regard, the undersigned notes that the deposition

testimony of Plaintiff Chakroun and Defendant Ismat Muhtaseb is somewhat muddled and confusing, such that the record is insufficient to warrant summary judgment.

Therefore, based upon a review of the record as a whole and as ruled from the bench at the hearing on Defendants' Dispositive Motion for Summary Judgment, it is

ORDERED AND ADJUDGED that Defendants' Dispositive Motion for Summary Judgment (DE # 30) is **DENIED**, consistent with the ruling made at the hearing on this matter and as memorialized in this Order.

DONE AND ORDERED in chambers in Miami, Florida, on February 25, 2011.



ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
All Counsel of Record via CM/ECF