

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

JIMMY CLARK,

Plaintiff,

v.

WECTEC CONTRACTORS, INC.,  
et al.,

Defendants.

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CV 116-083

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**O R D E R**

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Plaintiff initiated this action in May 2016 in the Superior Court of Burke County, Georgia and alleges that Defendants violated the Fair Labor Standards Act ("FLSA"). Defendants removed to this Court on June 16, 2016. (Doc. 1.) The parties that have appeared have now filed a stipulation of dismissal without prejudice with respect to certain Defendants.<sup>1</sup> (Doc. 14.)

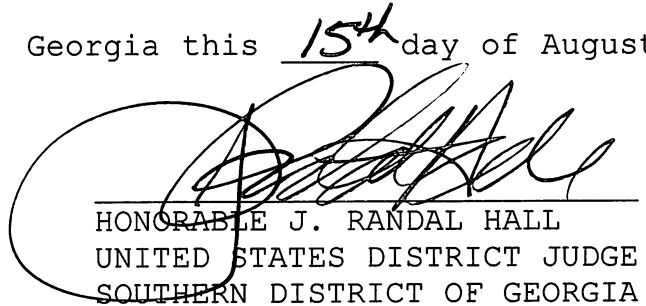
According to the parties' stipulation, Defendant WECTEC Contractors, Inc. is the proper employer-defendant with respect to Plaintiff's FLSA claims. The parties, therefore, wish to dismiss Chicago Bridge & Iron Company, Chicago Bridge & Iron Company (Delaware), and Westinghouse Electric Company, LLC from

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<sup>1</sup> Defendant Fluor Corporation has not appeared. According to the parties' stipulation, this Defendant has not yet been served.

this case without prejudice. Typically, parties may not dismiss FLSA actions without court approval. See Lynn's Food Stores, Inc. v. U.S. ex rel. U.S. Dep't of Labor, 679 F.2d 1350, 1353-54 (11th Cir. 1982). Parties may, however, dismiss claims without prejudice without first obtaining court approval. See Perez v. N. Broward Hosp. Dist., 609 F. Supp. 2d 1319, 1321 (S.D. Fla. 2009) ("If the dismissal sought by the parties were without prejudice, the Court would agree that approval would not be necessary, since Plaintiff would not be foreclosing her ability to vindicate any FLSA claim she may have by refileing at a later time."). Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Defendants Chicago Bridge & Iron Company, Chicago Bridge & Iron Company (Delaware), and Westinghouse Electric Company, LLC shall be **DISMISSED WITHOUT PREJUDICE.**

**ORDER ENTERED** at Augusta, Georgia this 15<sup>th</sup> day of August, 2016.

  
HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA