

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:13-CV-869-H

STEPHEN ABELL, et al.

PLAINTIFFS

v.

SKY BRIDGE RESOURCES, LLC

DEFENDANT

MEMORANDUM OPINION AND ORDER

In this case, eleven (11) former employees (“Plaintiffs”) of Sky Bridge Resources, LLC (“Defendant”) have claimed (1) breach of contract, (2) violation of the Fair Labor Standards Act (“FLSA”) and (3) breach of the Kentucky Wage and Hour Act (“KWA”), all arising from Defendant’s calculation of and nonpayment for travel time. More specifically, Plaintiffs claim that they were not properly compensated for travel time either within or outside regular working hours and were not paid proper overtime wages for work exceeding 40 hours per week. Defendant moved to dismiss Plaintiffs’ FLSA claims and for a stay of discovery.

Defendant’s original motion was limited to the FLSA claims. The FLSA requires employees to receive overtime for time worked in excess of 40 hours per week. However, it does not require compensation for travel time outside regular working hours, nor does travel time outside regular working hours count toward overtime. *See* 29 U.S.C. § 207(a); 29 C.F.R. § 75.39. These rules seem to be well-established and therefore, Plaintiffs’ claims for travel compensation in those circumstances under the FLSA must be dismissed.

In Plaintiffs’ response, they did argue certain issues concerning the KWA and Plaintiffs’ contract claims. However, the Court does not view these issues as part of Defendant’s original motion. Moreover, the records seem inadequate to resolve these issues quite so clearly

as those involving the FLSA outside regular working hours. The Court will confine itself to the original purpose of Defendant's motion.


Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiffs' FLSA claims related to compensation for travel during regular working hours is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Defendant's motion to stay discovery is DENIED.

IT IS FURTHER ORDERED that all discovery shall be completed on or before **February 15, 2015**, and dispositive motions shall be filed on or before **March 15, 2015**.

August 26, 2014


John G. Heyburn II
Senior Judge, U.S. District Court

cc: Counsel of Record