

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANALARRY FRANKS, TODD HEBERT,  
AND CRAIG LEDET, individually and  
on behalf of all others similarly situated

CIVIL ACTION

NO. 19-10839

VERSUS

LOUISIANA FARM BUREAU MUTUAL  
INSURANCE COMPANY, LOUISIANA  
FARM BUREAU CASUALTY INSURANCE  
COMPANY, SOUTHERN FARM BUREAU  
LIFE INSURANCE COMPANY AND  
SOUTHERN FARM BUREAU CASUALTY  
INSURANCE COMPANY

SECTION: M (4)

**ORDER & REASONS**

On August 26, 2019, defendants Louisiana Farm Bureau Casualty Insurance Company, Louisiana Farm Bureau Mutual Insurance Company, Southern Farm Bureau Casualty Insurance Company, and Southern Farm Bureau Life Insurance Company filed motions to dismiss Count II of the complaint and plaintiffs' claim for prejudgment interest.<sup>1</sup> The motions were set for submission on September 26, 2019.<sup>2</sup> Local Rule 7.5 of the United States District Court for the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed no later than eight days before the noticed submission date, which in this case was September 18, 2019. Plaintiffs, who are represented by counsel, have not filed memoranda in opposition to the motions to dismiss.

Accordingly, because the motions to dismiss are unopposed, and it appearing to the Court that the motions have merit,<sup>3</sup>

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<sup>1</sup> R. Docs. 13 & 14.

<sup>2</sup> R. Docs. 13-2 & 14-2.

<sup>3</sup> In Count II of the complaint, plaintiffs seek damages for defendants' alleged failure to keep adequate time and pay records in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 211(c). The Secretary of Labor has the sole authority to enforce the FLSA's recordkeeping provisions, and the FLSA does not authorize employee suits for damages for violation of the FLSA recordkeeping requirements. *Elwell v. Univ. Hosps. Home Care Servs.*,

IT IS ORDERED that the defendants' motions to dismiss Count II of the complaint and plaintiffs' claim for prejudgment interest are GRANTED as unopposed, and those claims are DISMISSED.

New Orleans, Louisiana, this 25<sup>th</sup> day of September, 2019.

  
BARRY W. ASHE  
UNITED STATES DISTRICT JUDGE

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276 F.3d 832, 843 (6th Cir. 2002) (citations omitted). Therefore, Count II is ripe for dismissal. Further, interest is not recoverable on judgments for unpaid overtime or minimum wages obtained under the FLSA. *Brooklyn Sav. Bank v. O'Neil*, 324 U.S. 697, 715-16 (1945). Thus, plaintiffs' claim for prejudgment interest must be dismissed.