

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

JUSTIN CORMIER, ET AL.

CIVIL ACTION NO. 15-2076

VERSUS

JUDGE S. MAURICE HICKS, JR.

TURNKEY CLEANING
SERVICES, L.L.C., ET AL.

MAGISTRATE JUDGE HANNA

ORDER

United States Magistrate Judge Patrick J. Hanna's Orders (Record Document 156, 170, and 172) were converted to Reports and Recommendations. After independent review of the record, and consideration of the objections filed, this Court concludes that the Magistrate Judge's Reports and Recommendations (Record Document 156, 170, and 172) are correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, by agreement of counsel, the procedural arguments asserted in the Motion to Dismiss (Record Document 123), namely, whether Plaintiff, Cormier ("Cormier"), can maintain a direct action against Scottsdale Insurance Co. ("Scottsdale") because the Fair Labor Standards Act ("FLSA") preempts the Louisiana Direct Action statute, and whether the FLSA claim is a contract claim which falls outside the purview of the Louisiana direct action statute, are **WITHDRAWN**. Accordingly, the sole issue before the Court is whether Scottsdale's policy excludes coverage for the FLSA wage and hour claims brought by the Plaintiffs herein.

IT IS FURTHER ORDERED that given the Court will consider the Scottsdale policy with respect to the sole remaining issue before this Court, the Motion to Dismiss (Record

Document 123) is hereby converted to a Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. See Rule 12(d), Fed. R. Civ. P.

IT IS FURTHER ORDERED that Scottsdale's Motion to Reconsider (Record Document 157), which seek reconsideration of the Magistrate Judge's Order entered September 28, 2016 (Record Document 156), is **DENIED**.

IT IS FURTHER ORDERED that the Order (Record Document 172) outlining the discovery the Magistrate Judge deemed necessary in deciding the pending Motion for Summary Judgment (Record Document 123) is **ADOPTED**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 8th day of November, 2017.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE