

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARY HILL,

v.

AMTEC, INC., ET AL.

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* Civil No. JFM-09-1268
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MEMORANDUM

In the order I issued on October 23, 2009, I granted Defendant AMTEC's motion to dismiss in part, specifically dismissing Plaintiff Mary Hill's ("Plaintiff") Maryland Wage Payment and Collection Law ("MWPCCL") claims. Plaintiff has filed a motion for reconsideration of this portion of my ruling, asking this Court to (1) reconsider the dismissal pursuant to Fed. R. Civ. Pro. 59(e); (2) make amended or additional filings pursuant to Fed. R. Civ. Pro. 52(b); or (3) direct entry of a final judgment upon the MWPCCL claims pursuant to Fed. R. Civ. Pro. 54(b) so that Plaintiff can pursue an appeal. The motion for reconsideration is denied.

As I noted in a letter to counsel dated October 23, 2009, the MWPCCL does not regulate overtime. In that letter, I directed the parties to *McLaughlin v. Murphy*, 372 F. Supp. 2d 465, 474 (D. Md. 2004). In *McLaughlin*, the plaintiff raised a MWPCCL claim for payment of minimum wage and overtime allegedly due, and the court determined that "the MWPCCL does not contain provisions regulating minimum wage and overtime; such provisions are contained in the Maryland Wage and Hour Law ('MWHL'), which basically tracks the FLSA." *Id.* at 474 (internal citation omitted). As in that case, Plaintiff here "does not allege that [Defendant] failed to pay [her] regularly, but that it failed to pay [her] enough." *Id.* at 475. This allegation fails to

state a claim upon which relief may be granted under the MWPCCL. No amended or additional filings are needed as Plaintiff may review *McLaughlin* for further explanation. *See id.* at 475-77.

Plaintiff has requested that I clarify whether my dismissal of her MWPCCL claims are with or without prejudice. Because I find the claims fail as a matter of law, the dismissal is with prejudice. Finally, recognizing that certification under Rule 54 is the “exception rather than the norm,” and finding no persuasive reason to grant it here, I deny Plaintiff’s request for certification. *Braswell Shipyards, Inc. v. Beazer East, Inc.*, 2 F.3d 1331, 1335 (4th Cir. 1993).

For these reasons, Plaintiff’s motion for reconsideration is denied. A separate order to that effect is being entered herewith.

DATE: 12/15/2009

/s/_____

J. Frederick Motz

United States District Judge