

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARIA GUZMAN MORALES & )  
MAURICIO R. GUARJARDO, & )  
On behalf of themselves and all other )  
similarly situated individuals, )  
) )  
Plaintiffs, )  
) )  
v. )  
) )  
FARMLAND FOODS, INC., a Delaware )  
Corporation and subsidiary of )  
Smithfield Foods, )  
) )  
Defendant. )

CASE NO. 8:08-cv-504

**ORDER DISMISSING SECOND CAUSE OF ACTION (FAILURE TO PAY MINIMUM WAGE IN VIOLATION OF THE FLSA, 29 U.S.C. § 206)**

On November 12, 2009, the parties filed a “Stipulated Dismissal Of Second Cause Of Action (Failure To Pay Minimum Wage In Violation Of The FLSA, 29 U.S.C. § 206).” (Filing No. 92). In their filing, the parties indicate they have stipulated “to the dismissal [without prejudice] of the claim brought by Plaintiffs as set forth in their Second Cause of Action (Failure to Pay Minimum Wage in Violation of the FLSA, 29 U.S.C. § 206) of the Second Amended Complaint in the above-captioned action.”

The Court finds said stipulation should be approved and adopted. Accordingly, IT IS HEREBY ORDERED that the stipulation is approved and adopted, and the claim articulated in the Second Cause of Action of the Second Amended Complaint is hereby dismissed without prejudice.

This Order does not affect in any way and is without prejudice to Plaintiffs' and opt-in claimants' claim, which remains in this case, for straight-time compensation for hours worked under 40 in a workweek during which Plaintiffs or opt-in claimants establish that they worked over 40 hours and are entitled to recover unpaid overtime compensation.

Dated this 12<sup>th</sup> day of November, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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