

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CV-174-H(2)

LILIANA MARTINEZ-HERNANDEZ and)
ULDA APONTE, both individually)
and on behalf of all other)
similarly situated persons,)
)
Plaintiffs,)
)
v.)
)
BUTTERBALL, LLC,)
)
Defendant.)

ORDER

This matter is before the court on defendant's motion for partial summary judgment on all Fair Labor Standards Act ("FLSA") claims that are outside the two-year limitations period set forth in 29 U.S.C. § 255(a) [DE #454]. On December 27, 2010, plaintiffs informed the court that they "hereby waive their claim[s] to a third year of FLSA damages based upon a finding of "willfulness" under 29 U.S.C. § 255(a). Accordingly, the court hereby GRANTS defendant's motion [DE #454] and enters judgment for defendant, Butterball, LLC, on each and every FLSA claim that arose more than two years before the cause of action accrued.

This 29th day of September 2011.



MALCOLM J. HOWARD
Senior United States District Judge