

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

MICHAEL ANTHONY DAVIS, et al.,	)	
	)	
Plaintiffs,	)	No. 3:14-cv-00764
	)	Senior Judge Haynes
v.	)	
	)	
SAMUNKA PATEL, et al.,	)	
	)	
Defendants.	)	

**O R D E R**

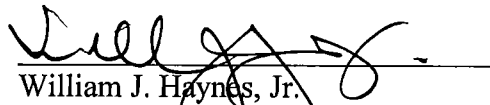
Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 43) that Defendants' motion for summary judgment (Docket Entry No. 20) be granted.

Plaintiffs filed an objection (Docket Entry No. 45) to the Magistrate Judge's Report and Recommendation, to which Defendants filed a response (Docket Entry No. 46). Upon de novo review, the Court concludes that the statements contained in Plaintiffs' declarations (Docket Entry Nos. 35 and 36) create a dispute as to the frequency and extent of Plaintiffs' front desk duties. Thus, the Court finds that a genuine issue of material fact exists as to whether Plaintiffs' front desk duties qualify them as engaged in commerce under the FLSA.

Accordingly, the Court **ADOPTS in part** the Report and Recommendation that Plaintiffs are not entitled to enterprise coverage under the FLSA, do not produce goods for interstate commerce, and are not engaged in commerce when performing housekeeping and maintenance duties. Yet, because the Court concludes that a genuine issue of material fact exists as to whether Plaintiffs' front desk activities qualify them as engaged in commerce, Defendants' motion for summary judgment (Docket Entry No. 20) is **DENIED**.

It is so **ORDERED**.

ENTERED this the 21<sup>st</sup> day of May, 2015.

  
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William J. Haynes, Jr.  
Senior United States District Judge