

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SUSAN DOOLING, on behalf of herself
and all others similarly situated,

Plaintiffs,

v.

BANK OF THE WEST, and
GSB MORTGAGE, INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

No. 4:11-cv-00576

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 17, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants’ Motion for Summary Judgment as to All of Plaintiff’s Remaining Family and Medical Leave Act Claims (Dkt. 58) be DENIED and that Plaintiff’s FMLA claims be presented to the jury for resolution but that Plaintiff not be permitted to submit the theory of joint employment to the jury for consideration.

The court has made a *de novo* review of the objections raised by Defendants, as well as Plaintiff’s response, and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendants' Motion for Summary Judgment as to All of Plaintiff's Remaining Family and Medical Leave Act Claims (Dkt. 58) is DENIED. Plaintiff's FMLA claims shall be presented to the jury for resolution, but Plaintiff will not be permitted to submit the theory of joint employment to the jury for consideration.

IT IS SO ORDERED.

SIGNED this the 30th day of September, 2013.

Handwritten signature of Richard A. Schell in black ink.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE