

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**JAVIER GOMEZ, et al.,**

Plaintiffs,

v.

**MI COCINA LTD, et al.,**

Defendants.

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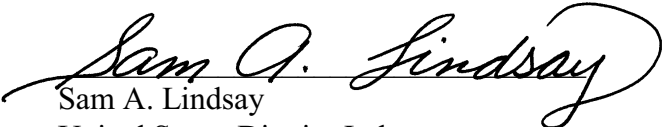
Civil Action No. **3:14-CV-2934-L**

**ORDER**

Before the court is Defendants' Motion for Partial Summary Judgment as to Time-Barred Claims of Opt-Ins and Brief in Support (Doc. 346), filed December 4, 2015; Plaintiffs' Cross Motion for Equitable Tolling of the Statute of Limitations for Opt-in Plaintiffs (Doc. 373), filed January 11, 2016; and Defendants' Response and Objection to Plaintiffs' Motion for Equitable Tolling of the Statute of Limitations (Doc. 374), filed January 12, 2016. On August 22, 2016, United States Magistrate Judge Irma Carrillo Ramirez entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") recommending that Defendants' Motion for Partial Summary Judgment be granted in part and denied in part, and that Plaintiffs' Cross Motion for Equitable Tolling be denied. No objections were filed to the Report. Having reviewed the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants in part and denies in part** Defendant's Motion for Partial Summary Judgment as to Time-Barred Claims of Opt-Ins and Brief in Support (Doc. 346) and **dismisses with prejudice** the claims of Kathy Alexander, Sean Altman, Jose Alvarez, Carlos Anzorena, Eric Barrientos, Victor Barrios,

Suzie Bouffard, Charles Caldwell, Dennis Campos, Jayson Carter, Juan Contreras, Caleb Crossman, Raymundo Gaytan, Eric Gonzalez, Giancarlo Gonzalez, Whitney Graves, Sean Greppi, Nicole Lynn Guadagno, Alejandro Gutierrez-Franco, Humberto Hernandez, Blaine Jones, Taylor Jones, Margon Keshtnar, Juan Lozano, Luis Lugo, Irma Martinez, Julio Martinez, Jeremy Moody, Tommie Morrow, Jr., Ivan Noriega, Rhianna Martinez, Antonio Ulloa Olivas, Lauren Alexis Oliveira, Javier Olvera, Gerardo Ortiz, Michael Patel, Tiffany Pemberton, Tawnie Reed, Latisha Rettig, Richard Russo, Ramon Sabillon, Randy Alberto Smith, Gracie Stevens, Maria Stevens, Heather Toombs, David Toribio, Chase (Ryan) Travis, and Jamie Turner. The court **denies** Plaintiffs' Cross Motion for Equitable Tolling of the Statute of Limitations for Opt-in Plaintiffs, and as the court has denied Plaintiffs' cross motion, Defendants' objection to the motion is **overruled as moot**.

**It is so ordered** this 26th day of September, 2016.

  
Sam A. Lindsay  
United States District Judge