

United States District Court
Southern District of Texas

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

August 15, 2017

David J. Bradley, Clerk

LUIS MEDELLIN, BENIGNO AGUILAR, §
ELIAZAR OCHOA, and RODOLFO §
OLIVARES, Individually and On Behalf of §
All Others Similarly Situated, §

Plaintiff, §

v. §

CIVIL ACTION NO. H-17-1232

EXPRESS PAYROLL, INC.; ROBERT §
WAYNE HUTTO d/b/a/ A&W SERVICES; §
NABORS CORPORATE SERVICES, INC. §
and NABORS INDUSTRIES, INC., §

Defendants. §

**ORDER GRANTING MOTION FOR PARTIAL DISMISSAL AND GRANTING THE
UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT**

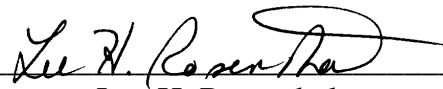
Nabors Corporate Services, Inc. and Nabors Industries, Inc. moved for a dismissal of some of the claims in this FLSA case. (Docket Entry No. 12). The plaintiffs responded, agreeing to dismiss these claims and seeking to amend to conform their complaint. (Docket Entry No. 18).

The following claims are dismissed: 1) Count Two - Failure to Maintain Accurate Records in Violation of 29 U.S.C. § 211(c); 2) Count Three - FLSA Retaliation in Violation of 29 U.S.C. § 215(a)(3); and 3) Count Four - Collective Action Retaliation Claims. The other claims, based on the allegations that the plaintiffs were misclassified as independent contractors and were joint employees of Nabors and either Express Payroll or A&W Services, will remain.

The plaintiffs' Unopposed Motion for Leave to Amend their Complaint, (Docket Entry No.

18), is granted. The plaintiffs must file an amended complaint by **August 28, 2017**.

SIGNED on August 15, 2017, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge