

United States District Court
Southern District of Texas

ENTERED

January 11, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR GARCIA,

Plaintiff,

VS.

DIVINE HEALERS, INC., *et al*,

Defendants.

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CIVIL ACTION NO. 4:17-CV-2427

ORDER ADOPTING MEMORANDUM AND ORDER


Pending before the Court in the above referenced proceeding is Plaintiff’s Motion for Partial Summary Judgment on Liability (Doc. 37), and Judge Stacy’s Memorandum and Recommendation (Doc. 78) that the Court grant the Plaintiff’s Motion for Partial Summary Judgment on liability. Defendant did not file objections to the Memorandum and Recommendation.

Upon review, the Court agrees with the Magistrate Judge’s conclusion that there is uncontroverted summary judgment evidence that shows Defendant violated FLSA’s overtime-wage requirement by paying Plaintiff and its LVs, RNs, CNAs, and Providers only a straight time hourly rate for all hours worked and not paying one and one-half times the regular rate of pay for hours worked over forty in a work week. Accordingly, the Court hereby

ORDERS that the Memorandum and Recommendation (Doc. 78) is **ADOPTED**.

Plaintiff’s Motion for Partial Summary Judgment (Doc. 37) is **GRANTED**.

SIGNED at Houston, Texas, this 10th day of January, 2019.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE