

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CRISTIANO DINIZ and ANTONIO)
THOMAS, individually and on behalf of)
all those similarly situated,)

Plaintiffs,)

v.)

ALPHA OB GYN GROUP, P.C. and DR.)
DANIEL E. MCBRAYER SR.,)

Defendants.)

CIVIL ACTION NO.:
1:12-cv-02621-JOF

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs Cristiano Diniz and Antonio Thomas (“Plaintiffs”) hereby move the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56, for an order granting their Motion for Partial Summary Judgment as to whether Defendants violated the Fair Labor Standards Act (the “FLSA”), 29 U.S.C. § 201, *et seq.*, when they failed to pay Plaintiffs at a rate of pay not less than one and one half times their regular rate for all work performed in excess of forty hours in a workweek on the regular pay day for the period in which such workweek ends. This motion is made based upon the record and files herein, as well as Plaintiffs’ Memorandum of Law in Support of their Motion for Partial

Summary Judgment and Plaintiffs' Statement of Undisputed Material Facts in
Support of their Motion for Partial Summary Judgment.

DATED: January 10, 2014

By: s/ Andrew L. Weiner
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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

I certify that this document was prepared in compliance with Local Rule 5.1.

This document was prepared in Times New Roman 14-point font.

By s/ Andrew L. Weiner
Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I certify that on January 10, 2014, I electronically filed the foregoing Plaintiffs' Motion for Partial Summary Judgment with the Clerk of the Court using the CM/ECF system, which will automatically send notice of such filing to the following attorneys of record:

A. Keith Logue, Esq.
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By s/ Andrew L. Weiner
Counsel for Plaintiffs