

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CHRISTOPHER MICHAUD)	
Individually and on behalf of all)	
others similarly situated,)	
)	
Plaintiff,)	Docket no. 2:12-cv-353-NT
v.)	
)	
MONROE MUFFLER BRAKE INC.,)	
)	
Defendant.)	

ORDER ON MOTION TO DISMISS

This case comes before the Court on Defendant Monroe Muffler Brake, Inc.’s (“**Monroe Muffler**”) motion to dismiss the First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state claims for which relief may be granted. In the First Amended Complaint, named Plaintiff Christopher Michaud alleged on behalf of himself and others similarly situated that his employer Monroe Muffler had a practice of failing to pay overtime wages in violation of state and federal law. Following Defendant’s motion to dismiss, Plaintiff on February 7, 2013 filed a Second Amended Complaint which by agreement with Defendant became the operative pleading in this case. Because Defendant’s motion to dismiss relates to the First Amended Complaint, it is hereby **DENIED** as moot.

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 7th day of November, 2013.

Plaintiff

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