

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

RICHARD FRICK *et al.*,

Plaintiffs,

vs.

Case No. 13-2490-JTM

HENRY INDUSTRIES, INC.,

Defendant.

MEMORANDUM AND ORDER

This is a Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* case filed on behalf of delivery drivers engaged by defendant Henry Industries, Inc., a company which arranges deliveries for pharmaceutical companies. The plaintiff drivers allege they are employees rather than independent contractors, and entitled to unpaid overtime wages under the FMLA. The court conditionally certified the case as a collective action on September 24, 2014. (Dkt. 56).

Three of the remaining 29 opt-in plaintiffs in the action have withdrawn their Consent Forms and the lead plaintiff has moved to dismiss their claims. (Dkt. 198, 201, 210).

The defendants do not oppose the motions, which are hereby granted, and the court hereby dismisses without prejudice Chad Farmer, John Joynt, and John Leo Gonzalez.

IT IS SO ORDERED this 10th day of February, 2017,

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE