

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.: CV-97-438

MAY 15 10 20 AM '00

REC - cum - 5/18/2000

TIMOTHY G. FARR, et al.,

Plaintiff

v.

STATE OF MAINE,

Defendant

PROPOSED ORDER

This matter is before the Court on the Defendant State of Maine's Motion to Dismiss, pursuant to Rules 12(b)(1) and 12(b)(6) of the Maine Rules of Civil Procedure on the grounds that the United States Supreme Court's holding in *Alden v. State*, 527 U.S. 706, (1999) mandates dismissal. In *Alden*, the United States Supreme Court held that the sovereign immunity of the state bars private suits against Maine under the Fair Labor Standards Act, 29 U.S.C. § 201 *et. seq.* This lawsuit is identical to the *Alden* lawsuit. By Order of this Court dated October 23, 1998, this matter was stayed pending the outcome in *Alden*. The holding in *Alden* is dispositive of the issues presented here and requires dismissal of this action in its entirety.

It is hereby Ordered and Adjudged that the Defendant State of Maine's Motion to Dismiss is hereby GRANTED. Plaintiffs' action is hereby DISMISSED.

Dated: May 17, 2000


Justice, Superior Court

Date Filed 07-14-97

CUMBERLAND

County

Docket No. CV-97-438

Action DAMAGES

TIMOTHY G. FARR, individually and
on behalf of others similarly situated

STATE OF MAINE

vs.

Plaintiff's Attorney

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Date of
Entry

1997

July 15

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