



violation.) But the complaint does allege violations of the FLSA, over the entire period of plaintiff's employment. If the plaintiff succeeds in proving the alleged violations, it would seem that some of the alleged violations would have occurred within the limitations period.

The defendant classified plaintiff as a salaried employee, and the original classification occurred at the outset of her employment. But the violation of the FLSA plaintiff is complaining about is not the mis-classification, but rather the failure to pay overtime for hours worked in excess of 40 hours per week, some of which alleged violations occurred within the limitations period. The motion to dismiss Count I must therefore be denied. Needless to say, I express no view as to whether plaintiff's classification was correct.

An Order follows.

