

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

GENE LESLIE, et al.

PLAINTIFFS

V.

CASE NO. 08-CV-4024

CHAMPION PARTS, INC., et al.

DEFENDANTS

ORDER

Before the Court is a Motion to Dismiss filed by Separate Defendant Champion Parts., Inc.¹ (Doc. 46). Plaintiffs have responded. (Doc. 50). Champion filed a reply to Plaintiffs' response. (Doc. 51). For reasons discussed in the Memorandum Opinion of even date, Separate Defendant Champion's Motion to Dismiss is **GRANTED IN PART and DENIED IN PART**.

Plaintiffs' claim under 29 U.S.C. section 1132(a)(1)(B) is **DISMISSED**. The portion of Plaintiffs' second cause of action under 29 U.S.C. sections 1132(a)(2) and 1109(a) that seeks anything other than recovery of the unpaid employee contributions is **DISMISSED**. Plaintiffs' third cause of action is **DISMISSED**. Plaintiffs claim under 29 U.S.C. section 1132(a)(3) remains as does Plaintiffs' portion of its claim under 29 U.S.C. sections 1132(a)(2) and 1109(a) that seeks recovery of the unpaid employee contributions.

IT IS SO ORDERED, this 27th day of August, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge

¹ Plaintiffs have filed suit against Champion Parts, Inc., d/b/a Champion Diesel, Inc. d/b/a, Champion Parts B&T, d/b/a Superparts Rebuilders d/b/a, Champion Parts Rebuilders Inc, which will be referred to as "Champion" throughout this order.