

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL ASCOLESE, ROBERT
CONNOR, MARCELLO CURKO,
MARK ERBACKER, DEAN
GALARNEAU, GEORGE
HOFSTETTER, ABEL JIMENEZ,
JAMES LARKIN, NEAL LEVANG,
FRANK ROTHE, MARK SALLES,
and MATT TAYLOR on behalf of
themselves individually and all others
similarly situated,

Plaintiffs,

v.

COUNTY OF LOS ANGELES,
LEROY BACA, as SHERIFF of LOS
ANGELES COUNTY, and DOES 1
through 10, inclusive,

Defendants.

Case No. ED CV 08-1267ABC (CWx)

[PROPOSED] JUDGMENT

On June 14, 2012, this action came on regularly for hearing on Defendants County of Los Angeles and Leroy Baca's Motion for Partial Summary Judgment regarding Plaintiffs' "donning and doffing" claim before the Honorable Audrey B. Collins, Chief District Court Judge of the United States District Court for the Central District of California. Having considered the evidence presented in support of and in opposition to Defendants' motion, the Court granted Defendants' Motion

1 for Partial for Summary Judgment in its entirety. (Docket #205.)

2 Subsequently, Plaintiffs filed a Motion to Dismiss the entire case pursuant to
3 F.R.Civ.P. 41. Defendants also filed a Motion to Decertify Plaintiffs' remaining
4 "off-the-clock" claims. On August 6, 2012, both motions came on regularly for
5 hearing before the Honorable Audrey B. Collins, Chief District Court Judge.
6 Defendants were represented by Brian P. Walter and Elizabeth T. Arce of Liebert
7 Cassidy Whitmore, and Plaintiffs were represented by Elizabeth Gibbons of Green
8 & Shinee. Having considered the evidence presented in support of and in
9 opposition to Defendants' motion, and oral argument by the parties, the Court
10 denied Plaintiffs' Motion to Dismiss the entire case, and granted Defendants'
11 Motion to Decertify which resulted in the dismissal of the Opt-In Plaintiffs'
12 remaining "off-the-clock" claims without prejudice leaving only the claims of the
13 seven remaining named Plaintiffs at issue. (Docket #212, 213.) As indicated in its
14 Order, the Court tolled the statute of limitations period for all Opt-in Plaintiffs until
15 November 6, 2012. At Plaintiffs' request, the Court also dismissed the "off-the-
16 clock" claims of named Plaintiffs Michael Ascolese, Marcello Curko, Mark
17 Erbacker, Dean Galarneau, George Hofstetter, James Larkin and Mark Salles
18 without prejudice.

19 Because Plaintiffs' remaining claims have been disposed of as a result of the
20 Court denying Plaintiffs' Motion to Dismiss, the Court granting Defendants'
21 Motion to Decertify, and the Plaintiffs' request to dismiss the named Plaintiffs
22 without prejudice:

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1 IT IS ORDERED, ADJUDGED AND DECREED THAT Plaintiffs take
2 nothing, that the action be dismissed on the merits, and that Defendants County of
3 Los Angeles and Leroy Baca, as the prevailing party, recover its costs from
4 Plaintiffs.

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6 Dated: November 13, 2012



HONORABLE AUDREY B. COLLINS
UNITED STATES DISTRICT COURT JUDGE