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(SPACE BELOW FOR FILING STAMP ONLY)

5 Attorneys for Defendant COUNTY OF FRESNO
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION
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11 JUAN ESPINOZA, JAMES FOSTER
WOMBLE, PAUL MARQUEZ, AARON
12 EPPERLY and ERIC SCHMIDT,

13 Plaintiffs,

14 v.

15 COUNTY OF FRESNO,

16 Defendant.
17

Case No. 1:07-CV-01145-OWW-SMS

**ORDER ON MOTION FOR SUMMARY
JUDGMENT, OR IN THE ALTERNATIVE,
SUMMARY ADJUDICATION BY
DEFENDANT COUNTY OF FRESNO AND
ORDER ON MOTION FOR SUMMARY
ADJUDICATION BY PLAINTIFFS**

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19 The Motion for Summary Judgment, or in the Alternative, Summary Adjudication,
20 filed by Defendant County of Fresno and the Motion for Summary Adjudication filed by
21 Plaintiffs, came on for hearing before this Court on July 25, 2011. Attorney James W.
22 Henderson, Jr., of the law firm of Carroll, Burdick & McDonough, LLP appeared on behalf of
23 Plaintiffs. Attorney Michael G. Woods of the law firm of McCormick, Barstow, Sheppard,
24 Wayte & Carruth, LLP, appeared on behalf of Defendant County of Fresno. Oral argument was
25 presented and the matter was taken under submission.
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27 After considering all documents submitted, arguments of counsel and all other
28 matters presented to the Court, for the reasons set forth in the Court's Memorandum Decision

1 Regarding the Motions for Summary Judgment, Document No. 156, incorporated herein by
2 reference, it is hereby ordered as follows:

3 1. That Defendant's Motion for Summary Adjudication on Plaintiffs' claim
4 that Defendant County of Fresno has failed to compensate Plaintiffs and similarly situated
5 employees for the time it takes to don and doff uniforms and required protective/safety gear, is
6 GRANTED;

7 2. That Defendant's Motion for Summary Adjudication on Plaintiffs' claim
8 that Defendant County of Fresno has failed to compensate Plaintiffs and similarly situated
9 employees for the time spent traveling to and from work traveling in Sheriff's Department
10 marked patrol vehicles is GRANTED;

11 3. That Defendant's Motion for Summary Adjudication regarding Plaintiffs'
12 claim that Defendant County of Fresno failed to compensate Plaintiffs and similarly situated
13 employees for vehicle maintenance is GRANTED;

14 4. That Defendant's Motion for Summary Adjudication regarding Plaintiffs'
15 claims that Defendant County of Fresno failed to compensate Plaintiff Sheriff Deputy James
16 Epperly and similarly situated employees who are Deputy Bailiffs assigned to work at the
17 County's courthouses, for unpaid meal periods is GRANTED;

18 5. That Defendant's Motion for Summary Adjudication on Plaintiffs' claim
19 that Defendant County of Fresno has failed to compensate Plaintiffs and similarly situated
20 employees for firearms qualifications and maintenance of weapons in off-duty hours is DENIED;

21 6. That Plaintiffs' Motion for Summary Adjudication regarding Defendant
22 County of Fresno's *de minimus* affirmative defense is DENIED as being moot.

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26 IT IS SO ORDERED.

27 Dated: August 8, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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