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CEMEX CONSTRUCTION MATERIALS  
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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

11 TRISHA BUCK, on behalf of herself, and all  
12 others similarly situated,

13 Plaintiff,

14 v.

15 CEMEX, INC., a Louisiana Corporation;  
16 CEMEX CONSTRUCTION MATERIALS  
PACIFIC, LLC, a Delaware Limited Liability  
Company; and DOES 1-50, inclusive,

17 Defendants.  
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CASE NO. 13-cv-00701-LJO-MJS

[CLASS ACTION]

**ORDER OF JUDGMENT AGAINST  
PLAINTIFF TRISHA BUCK**

**The Honorable Lawrence J. O'Neill**

1 This action came before the Court pursuant to Defendants' Motion for Judgment on the  
2 Pleadings and Motion to Strike (ECF Docket Nos. 45, 46). The issues have been briefed by both  
3 parties and a decision has been rendered.

4 WHEREAS, this Court GRANTED Defendants' Motion for Judgment on the Pleadings  
5 (ECF Docket No. 55);

6 WHEREAS, this Court's Order Granting Defendants' Motion for Judgment on the  
7 Pleadings (ECF Docket No. 55) ordered Plaintiff to file a written statement certifying that she  
8 exhausted the collective bargaining agreement's grievance procedure no later than October 25,  
9 2014; and,

10 WHEREAS, this Court's Order Granting Defendants' Motion for Judgment on the  
11 Pleadings (ECF Docket No. 55) stated that Plaintiff's request for leave to amend her complaint  
12 would be DENIED on the basis of futility if Plaintiff failed to file the written statement certifying  
13 that she exhausted the grievance procedure by October 25, 2014; and,

14 WHEREAS, Plaintiff failed to file a written statement certifying that she exhausted the  
15 grievance procedure, as ordered by the Court; therefore,

16 Pursuant to this Court's Order Granting Defendants' Motion for Judgment on the Pleadings  
17 (ECF Docket No. 55), IT IS SO ORDERED AND ADJUDGED that Plaintiff Trisha Buck take  
18 nothing, that all claims brought by Plaintiff be dismissed, that Judgment is entered against Plaintiff  
19 in accordance with the Order Granting Defendants' Motion for Judgment on the Pleadings, filed on  
20 October 24, 2014 (ECF Docket No. 55), that Defendants recover their costs as to Plaintiff; and that  
21 the Clerk of the Court is directed to close this case.

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23 IT IS SO ORDERED.

24 Dated: November 5, 2014

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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