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UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

CLAY BEACH,)	
)	No. CV-08-416-N-JLQ
Plaintiff,)	
vs.)	MEMORANDUM OPINION
JD LUMBER, INC.,)	ORDER DENYING PLAINTIFFS'
)	MOTION IN LIMINE
Defendant.)	

Before the court is the Plaintiffs' Motion in Limine (Clerks Record 88) seeking to limit evidence and testimony regarding the "unforeseen business circumstances" defense proffered by the Defendant and to exclude the testimony of Michael Boeck.

In effect, the Plaintiffs claim that once a WARN ACT (29 U.S.C. 2102(a)) Notice of closing is given, an employer is precluded from laying off employees during the 60 day WARN period due to "unforeseen business circumstances" as specified in 29 U.S.C. 2102(b)(2)(A). The court disagrees.

The Plaintiffs' Motion in Limine (C.R. 88) is DENIED.

The Clerk shall enter this Order and furnish copies to counsel.

Dated this 22nd day of July, 2010.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE