

(filing no. [106](#), at CM/ECF p. 3), as to the issue raised by the plaintiffs' motion, Tull is controlling and this court cannot ignore, disregard, or contradict its holding. Accordingly,

IT IS ORDERED that the defendants are not entitled to a jury trial regarding the amount of civil penalties owed by the defendants, if any, and the plaintiffs' motion to strike the defendants' request for a jury trial on that issue, (filing no. [98](#)), is granted.

DATED this 29th day of September, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge