

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

HANAA B. ABADEER, et al.,)	
)	
Plaintiffs,)	
)	No. 3:09-cv-00125
v.)	
)	Judge Sharp
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

ORDER

For the reasons explained in the accompanying Memorandum, the Court enters the following rulings.

First, with respect to the employees’ motion for partial summary judgment (Docket No. 206), the Court GRANTS summary judgment on the following issues:

- (1) the employees’ pre- and post-shift activities are compensable;
- (2) Tyson willfully violated the FLSA by failing to pay the employees for their pre- and post-shift activities;
- (3) Tyson’s failure to pay the employees for their pre- and post-shift activities was not in good faith; and
- (4) Tyson’s failure to pay the employees for pre- and post-shift activities breached their employment contracts.

Further, the Court DENIES summary judgment to the employees on the following issues:

- (1) whether the activities the employees performed during their meal periods are compensable;

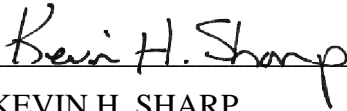
- (2) whether Tyson willfully violated the FLSA by failing to pay the employees for activities performed during their meal periods;
- (3) whether Tyson's failure to pay the employees for their meal-period activities was not in good faith; and
- (4) whether Tyson's failure to pay the employees for their meal-period activities breached their employment contracts.

Finally, the Court DENIES AS MOOT summary judgment on the employees' claim under § 50-2-101(b) of the Tennessee Wage Regulation Act.

Second, the Court DENIES Tyson's motion for partial summary judgment (Docket No. 210).

Third, the Court GRANTS Tyson's motion to reconsider the 2009 order that declined to dismiss the employees' claim under § 50-2-101(b) of the Tennessee Wage Regulation Act (Docket No. 254) and DISMISSES that claim.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE