

United States District Court
WESTERN DISTRICT OF WASHINGTON

MILES MONAHAN; DALE HOUSDEN;
DAVID ROBERTS; JIM MUMFORD;
CALVIN LUKKEN; BRADLEY PORTER;
JAY EVENSON; AARON JESSOP;
MICHAEL SWIHART; and DARREN
WISHARD,

v.

EMERALD PERFORMANCE
MATERIALS, LLC, a foreign corporation,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C08-1511 RBL

[✓] **Decision by Court.** This action came under consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

Defendant's motion to dismiss Plaintiffs' FLSA and Portal-to-Portal Act claims [Dkt. #27] is hereby GRANTED. Those claims are dismissed with prejudice. (Order entered 4/22/2009)

Defendant's Motion for Summary Judgment on the basis of preemption of state law claims [Dkt. #31] is **DENIED**. Plaintiffs' Motion for Partial Summary Judgment [Dkt. #40] is **GRANTED IN PART AND DENIED IN PART**. Defendant's Motion for Summary Judgment regarding state law claims [Dkt. #39] is **GRANTED IN PART AND DENIED IN PART**. All other pending motion are **DENIED AS MOOT**. (Order entered 2/25/2009) Case is closed.

DATED : 3/1/2010

BRUCE RIFKIN
Clerk

/s/ Jean Boring
(By) Deputy Clerk, Jean Boring