

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

Michael MIGIS,
individually, and on behalf of
all others similarly situated,
Plaintiff-Respondent
Cross-Appellant,

v.

AUTOZONE, INC.,
a Nevada corporation,
Defendant-Appellant
Cross-Respondent.

Multnomah County Circuit Court
071113531; A150540

Jerome E. LaBarre, Judge.

On appellant's petition for reconsideration filed January 24, 2017 and respondent's response to petition for reconsideration filed January 27, 2017. Opinion filed December 14, 2016. 282 Or App 774, 387 P3d 381.

Roy Pulvers and Holland & Knight LLP for petition.

A.E. Bud Bailey, J. Dana Pinney, and Bailey, Pinney & Associates, LLC, for response.

Before Ortega, Presiding Judge, and DeVore, Judge, and Garrett, Judge.

PER CURIAM

Reconsideration allowed; former disposition adhered to.

PER CURIAM

Defendant, Autozone, Inc., petitions for reconsideration of our decision, [*Migis v. Autozone, Inc.*](#), 282 Or App 774, 387 P3d 381 (2016), concerning the disposition of its appeal. Defendant argues that concepts of waiver or invited error should preclude a new trial on the off-the-clock claim penalties and compel a defense verdict on that issue as a matter of law. We allow the petition for reconsideration to state that we reject those arguments. Without further discussion, we adhere to our original decision.

Reconsideration allowed; former disposition adhered to.