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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

DAVID YOUNG, et al.,
Plaintiffs,
v.
STATE OF OREGON,
Defendant.

Case No. 96C10933
Honorable Paul J. Lipscomb
ORDER RE: CROSS-MOTIONS FOR PARTIAL
SUMMARY JUDGMENT

This matter came before the court on May 17, 2000 for hearing on cross-motions for partial summary judgment on plaintiffs’ second claim for relief. Plaintiffs were represented at the hearing by class counsel, John Hoag; the State was represented by Assistant Attorney General Stephen K. Bushong. The court, having considered the oral and written arguments of the parties and being fully advised, issued its ruling in a letter opinion dated July 20, 2000.

Thereafter, the State submitted a proposed form of order. Plaintiffs objected to the form of order, and requested clarification or reconsideration of the court’s ruling. That matter came before the court for hearing on September 25, 2000. The parties were represented at the hearing by the same attorneys.

Now, therefore, for the reasons set forth in the letter opinion dated July 20, 2000, and stated by the court at the September 25, 2000 hearing, it is hereby ORDERED as follows:

1. Plaintiffs’ motion for partial summary judgment on the second claim for relief is (a) DENIED as to all class members whose employment with the State ended on or before January 26, 2000 (the effective date of the appellate mandate in this case); and (b) GRANTED as to all class members whose employment with the State ended on or after January 27, 2000. The State will be required to pay a civil penalty pursuant to ORS 652.150 to each class member

1 whose employment with the State ended on or after January 27, 2000, absent some valid reason
2 for failing to pay overtime compensation in an individual case.

3 2. Defendant's cross-motion for summary judgment on plaintiffs' second claim for
4 relief is (a) GRANTED as to all class members whose employment with the State ended on or
5 before January 26, 2000; and (b) DENIED as to all class members whose employment with the
6 State ended on or after January 27, 2000.

7 DATED this ____ day of November, 2000.

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PAUL J. LIPSCOMB
Circuit Court Judge

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11 Submitted by: Stephen K. Bushong
12 Assistant Attorney General
Of Attorneys for Defendant

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