

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

NOV 11 1999  
10:00 AM

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MICRON TECHNOLOGY, INC., and )  
MICRON COMMUNICATIONS, INC., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civ. No. 98-0506-S-BLW

ORDER

The Court held oral argument on November 4, 1999, on Defendants' motion for summary judgment. The motion sought to dismiss the complaint's allegation that defendant Micron Technology, Inc. (MTI) was a joint employer with Micron Communications, Inc. (MCC). Since the complaint was filed, MTI and MCC have merged. The EEOC informed the Court that in light of the merger, the EEOC has dropped its claim that the two corporations were joint employers, and is now asserting that MTI is liable as the successor corporation to MCC. The EEOC also stated that it was prepared to file, or has already filed, a motion to amend its complaint to assert such a claim.

Because of these developments, the Court informed counsel that it was granting in part, and denying in part, the motion for summary judgment. The Court granted that part of the summary judgment seeking dismissal of any claims based on a joint employer theory. The Court denied the motion to the extent that it sought to dismiss any claims based on successor liability.

The Court gave the parties four weeks to meet together and determine if the dispute could be resolved, or whether the EEOC's motion to amend would need to be filed, briefed, and argued.

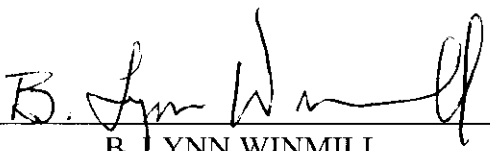
The parties agreed to hold a status conference with the Court's staff within four weeks.

Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion for summary judgment (docket no. 18) is hereby GRANTED IN PART AND DENIED IN PART. It is granted to the extent it seeks to dismiss allegations based on a theory that MTI and MCC were joint employers. It is denied to the extent it seeks to dismiss allegations based on a theory that MTI is the successor corporation to MCC.

IT IS FURTHER ORDERED, that a status conference shall be held with all counsel and the Court's Law Clerk David Metcalf on December 6, 1999, at 10:00 a.m. The EEOC shall initiate the call and the Court's Law Clerk can be reached at 208-334-9145. That status conference will not be recorded.

Dated this 4<sup>th</sup> day of November, 1999.

  
B. LYNN WINMILL  
UNITED STATES DISTRICT COURT

United States District Court  
for the  
District of Idaho  
November 4, 1999

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 1:98-cv-00506

I certify that a copy of the attached document was mailed to the following named persons:

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Date: 11/4/99

BY: *Deane A. Hutcherson*  
(Deputy Clerk)