

1 application of the Minimum Wage Act impermissibly discriminates against the Defendant,
2 The GEO Group, Inc., and through it, the United States. Material issues of fact remain
3 regarding the proper comparators for determination of whether the State discriminates
4 against the Defendant in the State's proposed application of the Minimum Wage Act.

5 2) Dismissal of the State's unjust enrichment claim is beyond the pleadings
6 and is not supported by the record.

7 3) The Court is mindful that, in the Order Denying Defendant The GEO
8 Group, Inc.'s Motion for Summary Judgment on Plaintiff's First Cause of Action (Dkt
9 162) at Page 9, Line 11, it inartfully stated "The doctrine of intergovernmental immunity
10 does not shield Defendant from application of the MWA." That sentence should have
11 read, "The doctrine of intergovernmental immunity has not been shown, on the motion for
12 summary judgment, to shield Defendant from application of the Minimum Wage Act."

13 The Court's intent, hopefully, was made clear by the Order Denying Defendant GEO's
14 Motion for Reconsideration of Order Denying Motion for Summary Judgment on First
15 Cause of Action (Dkt. 165) at Page 2, Line 18: "We should keep in mind that these issues
16 are raised here in a summary judgment motion. There are, at least, material issues of fact
17 that prevent summary judgment. Exactly what issues and what instructions will be
18 presented to a jury remain to be seen." The application of the defense of
19 intergovernmental immunity remains an undecided issue.

20 THEREFORE, IT IS NOW ORDERED THAT the Proposed Order Granting
21 Summary Judgment of Dismissal (Dkt. 306-1) shall NOT issue.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of
2 record and to any party appearing *pro se* at said party's last known address.

3 Dated this 9th day of October, 2019.

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5 ROBERT J. BRYAN
6 United States District Judge

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