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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GARRETT L. BROWN,

Plaintiff - Appellant,

v.

PREMIER CHEMICALS, LLC,

Defendant - Appellee.

No. 10-17497

D.C. No. 3:08-cv-00635-KJD-  
GWF

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Kent J. Dawson, District Judge, Presiding

Argued and Submitted April 17, 2012  
San Francisco, California

Before: KOZINSKI, Chief Judge, McKEOWN and N.R. SMITH, Circuit Judges.

1. The district court granted summary judgment in error, because a genuine issue of fact exists as to whether the August 2 Family Medical Leave Act (FMLA) certification form was sufficient under 29 C.F.R. § 825.306.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

2. Because the district court did not address whether Brown qualified for FMLA leave, we remand this case to the district court to make that determination in the first instance.

**REVERSED and REMANDED.**