

1 On August 29, 2013, the Court issued an Order
2 Granting Defendant's Motion for Partial Summary
3 Judgment and Granting in part Plaintiff's Motion for
4 Partial Summary Judgment (Doc. No. 37). In the Court's
5 Order, the Court requested additional briefing on the
6 issue of Plaintiff's entitlement to Liquidated Damages.
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8 On October 29, 2013, the Court issued an Order
9 Denying Plaintiff's Motion for Summary Judgment and Sua
10 Sponte Granting Defendant Summary Judgment as to
11 liquidated Damages (Doc. No. 71).
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13 FOR GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY
14 ORDERED AND ADJUDGED THAT:

- 15 1. Defendant is entitled to claim the overtime
16 exception found in 29 U.S.C Section 207(k).
- 17 2. Defendant failed to include the value of cash-
18 in-lieu of benefits payments when calculating
19 Plaintiff's regular rates of pay.
- 20 3. Defendant was not required to include the total
21 value of all benefits provided as part of its
22 Flexible Benefit Plan in the calculation of
23 Plaintiff's regular rates of pay.
- 24 4. Plaintiffs Robert Barada, Ray Lara, Dane
25 Woolwine, Rikimaru Nakamura, Christopher
26 Wenzel, Cruz Hernandez and Enrique Deanda
27 (collectively "Prevailing Plaintiffs")
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1 established entitlement to unpaid overtime
2 under the Fair Labor Standards Act.

3 Accordingly, judgment is hereby entered in the
4 Prevailing Plaintiff's favor against Defendant.

5 The Prevailing Plaintiffs are entitled to
6 overtime payments from Defendant in the
7 following amounts:

- | | | |
|----|------------------------|----------|
| 8 | a. Robert Barada: | \$561.58 |
| 9 | b. Ray Lara: | \$141.71 |
| 10 | c. Dane Woolwine: | \$354.60 |
| 11 | d. Rikimaru Nakamura: | \$294.72 |
| 12 | e. Christopher Wenzel: | \$452.97 |
| 13 | f. Cruz Hernandez: | \$48.02 |
| 14 | g. Enrique Deanda: | \$390.26 |

15 5. The Prevailing Plaintiffs shall recover
16 prejudgment interest on the above sums.

17 6. The Prevailing Plaintiffs shall recover their
18 costs of suit and reasonable attorney's fees
19 from Defendant.

20 7. The Prevailing Plaintiffs are not entitled to
21 liquidated damages.

22 8. Plaintiffs Kevin Watson, Shannon Casillas,
23 James Just, Gilbert Lee, Rene Lopez, Steve
24 Rodrigues and Vy Van failed to establish
25 entitlement to any relief from Defendant.

26 Accordingly, judgment is entered in Defendant's
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favor against those Plaintiffs, who shall take
nothing by way of their complaint.



Dated: July 30, 2014

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Jesus G. Bernal
United States District Judge