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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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FRESNO DIVISION

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IN RE TACO BELL WAGE AND HOUR)
ACTIONS)

Master File:
1:07-cv-01314-OWW-DLB

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**ORDER AND JOINT STIPULATION
RE VACATION CLAIM, DISCOVERY
RELATED TO YUM! BRANDS, INC.,
AND DISMISSAL OF YUM! BRANDS,
INC.**

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1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and
2 Defendants Taco Bell Corp., Taco Bell of America, Inc. and Yum! Brands, Inc.
3 ("Defendants"), through their counsel of record, that:

4 1. Defendant Yum! Brands, Inc. shall be dismissed without prejudice as to all
5 of Plaintiffs' claims that have been brought against Yum! Brands, Inc. in the cases
6 consolidated under *In re Taco Bell Wage And Hour Actions*, 1:07-cv-01314-OWW-DLB
7 ("Action").

8 2. The Parties shall bear their own costs and attorneys' fees in connection with
9 such dismissal of Yum! Brands, Inc.

10 3. Neither Plaintiffs nor any of their counsel has received any form of
11 consideration for the dismissal of Yum! Brands, Inc.

12 4. Putative class members will not be prejudiced by the dismissal of Yum!
13 Brands, Inc. as no notice has been sent to them regarding the issues relating to Yum!
14 Brands and accordingly, putative class members will not have relied on the litigation of
15 this issue.

16 5. For all purposes of this litigation including, but not limited to Plaintiffs'
17 vacation claim, Taco Bell Corp. and Taco Bell of America, Inc. (collectively "Taco Bell")
18 agree that employees who transfer from a Taco Bell company-owned restaurant to a
19 restaurant that is a subsidiary of Yum! Brands, Inc. are no longer employed by Taco Bell at
20 the time of the transfer.

21 6. Plaintiffs and Taco Bell agree not to assert that Yum! Brands, Inc. is the
22 employer, including a joint employer, of any employee working in a company-owned Taco
23 Bell restaurant.

24 7. The Parties agree to and shall withdraw any discovery requests propounded
25 on Yum! Brands, Inc. or by Yum! Brands, Inc.

26 8. In the event that Plaintiffs attempt to or succeed in refiling this case against
27 Yum! Brands, Inc., the provisions of paragraphs 5-6 shall be void.
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1 **ORDER**

2 The Court has read and considered the Joint Stipulation re Vacation Claim,
3 Discovery Related to Yum! Brands Inc., and Dismissal of Yum! Brands, Inc. The parties
4 have agreed pursuant to the terms in the stipulation that Defendant Yum! Brands, Inc. shall
5 be dismissed without prejudice.

6 IT IS THEREFORE ORDERED:

7 1. Defendant Yum! Brands, Inc. is dismissed without prejudice from the above-
8 entitled action.

9 2. Each party shall bear its own fees and expenses in connection with the
10 dismissal.

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14 IT IS SO ORDERED.

15 Dated: March 30, 2010

/s/ Oliver W. Wanger
16 UNITED STATES DISTRICT JUDGE