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10 Taco Bell Corp. and
Taco Bell of America, Inc.
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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14 **FRESNO DIVISION**

15 IN RE TACO BELL WAGE AND HOUR)
ACTIONS)

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

16)
17) **ORDER GRANTING DEFENDANTS**
18) **TACO BELL CORP.'S AND TACO BELL**
19) **OF AMERICA, INC.'S MOTION TO**
20) **STAY**

21) Date: August 22, 2011
22) Time: 10:00 a.m.
23) Place: Courtroom 3
24)
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28)

1 **ORDER**

2 The Court, having read and considered the parties' papers regarding Defendants Taco Bell
3 Corp.'s and Taco Bell of America, Inc.'s Motion to Stay, and after hearing the matter on August
4 22, 2011 and rendering a written decision on August 30, 2011, HEREBY ORDERS AS
5 FOLLOWS:

6 1. Defendants' motion to stay is GRANTED. All further proceedings in this action
7 with regard to Plaintiffs' Fourth Cause of Action (missed meal periods) and Fifth Cause of Action
8 (missed rest periods) are hereby stayed until the California Supreme Court issues its decision in
9 *Brinker Restaurant Corp. v. Superior Court*, 165 Cal. App. 4th 24 (2008), *review granted*, 85 Cal.
10 Rptr. 3d 688 (2008) ("*Brinker*") and in *Brinkley v. Public Storage, Inc.*, 167 Cal. App. 4th 1278
11 (2008), *review granted*, 87 Cal. Rptr. 3d 674 (2009) ("*Brinkley*").

12 2. The parties shall provide notice to the Court when the California Supreme Court
13 issues its decision and opinion in *Brinker* or *Brinkley*.

14 3. A status conference is set for August 20, 2012 in the above-entitled Court,
15 Courtroom 3 at 10:00 a.m.

16 4. During the pendency of the stay, Plaintiffs may, if they deem it in their best
17 interests, dismiss their meal break and rest break claims without prejudice.

18 5. This stay shall not affect in any way the pending motion on class certification issues.
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23 IT IS SO ORDERED.

24 Dated: September 9, 2011

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