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ORDER

The Court, having read and considered the parties' papers regarding Plaintiffs' Motion for Class Certification, and the parties' papers regarding Defendants Taco Bell Corp. and Taco Bell of America, Inc.'s ("Taco Bell") Motion to Exclude the Declaration and Report of James Lackritz, and after hearing the matters on June 6 and June 7, 2011, and rendering a written decision on September 26, 2011, HEREBY ORDERS AS FOLLOWS:

1. Plaintiffs' Motion for Class Certification is DENIED without prejudice as to the final pay and vacation pay subclasses.
2. Taco Bell's Motion to Exclude the Declaration and Report of James Lackritz is GRANTED as to his opinions on Plaintiffs' final pay and vacation pay claims.
3. The Court will consider nomination of additional Plaintiffs' lawyers to serve as co-lead class counsel, when and if a class or subclass is ever certified.

IT IS SO ORDERED.

Dated: September 29, 2011

/s/ Oliver W. Wanger
Hon. Oliver W. Wanger
Judge, United States District Court