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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

IN RE TACO BELL WAGE AND HOUR

CASE NO. CV F 07-1314 LJO DLB

**ORDER TO ADOPT FINDINGS AND  
RECOMMENDATIONS ON CLASS  
CERTIFICATION**  
(Doc. 341.)

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**INTRODUCTION**

U.S. Magistrate Judge Dennis L. Beck issued November 27, 2012 findings and recommendations (“f and r’s”) to certify the following class

Meal Break Subclass:

All persons who work or worked as a non-exempt, hourly-paid employee at a corporate-owned Taco Bell restaurant in California from September 7, 2003, until the resolution of this lawsuit who worked for a period of time in excess of six hours and who worked for periods longer than five hours without a meal period of not less than thirty minutes as reflected in Defendants’ employees’ time records.

The parties filed objections to the f and r’s. Defendants Taco Bell Corp. and Taco Bell of America, Inc. (collectively “defendants”) object that:

1. The late meal break class was not properly pled in plaintiffs’ operative complaint;
2. Members of the late meal class are not ascertainable;
3. Plaintiffs fail to satisfy commonality requirements;
4. Litigating late meal period claims as a class is neither manageable nor superior;
5. The named plaintiffs fail to satisfy typicality requirements;

