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

RAPHAEL MUNOZ, et al.,)	Case No.: 1:09-cv-00703 - AWI - JLT
)	
Plaintiffs,)	ORDER LIFTING STAY AND DIRECTING
)	PARTIES TO FILE SUPPLEMENTAL BRIEFS
v.)	
)	
GUIMARRA VINEYARDS CORPORATION,)	ORDER SETTING HEARING FOR PLAINTIFFS’
)	MOTION FOR CLASS CERTIFICATION
Defendant.)	
)	
)	

On November 18, 2011, the parties requested stay in the action pending the resolution of *Brinker Restaurant Corp. v. Sup. Ct.*, 165 Cal.App.4th 25 (2008). The parties noted, “At issue in *Brinker* is the standard for determining an employer’s obligations with respect to California’s rest and meal break laws.” (Doc. 79 at 2). Because the complaint raised issues pending resolution in *Brinker*, the Court granted the parties’ request to stay the action. (Doc. 80). The Court ordered the parties to file a status report within ten days of a decision in *Brinker*, discussing “whether the stay should be lifted, any need for further discovery and the proposed dates for completion of the case.” *Id.* at 4. In addition, the parties were ordered to “discuss whether there is a need for additional briefing to address *Brinker* issues.” *Id.*

On April 12, 2012, the California Supreme Court issued its decision in *Brinker*, and in accordance with the Court’s order, the parties submitted a joint status report on April 23, 2012. (Doc. 92). The parties agree the stay should be lifted, and seek to file briefs regarding the decision in

1 *Brinker* and its impact on the pending class certification motion. *Id.* at 2. Also, the parties agree
2 additional discovery may be required, but “believe it is prudent . . . to defer decisions on what
3 additional discovery may be necessary and when further pre-trial and trial dates should fall until class
4 certification is decided.” *Id.* at 3.

5 Accordingly, **IT IS HEREBY ORDERED:**

- 6 1. The stay previously ordered in this action, is **LIFTED**;
- 7 2. The parties **SHALL** file supplemental briefs, **no longer than 15 pages (including any**
8 **exhibits)**, discussing **only** the decision in *Brinker* and its effect upon Plaintiffs’ motion
9 for class certification on or before **May 25, 2012**; and
- 10 3. A hearing on Plaintiffs’ motion for class certification (Doc. 42) is **SET** for July 2, 2012
11 at 9:00 a.m. at 1300 18th Street, Bakersfield, CA.

12
13
14 IT IS SO ORDERED.

15 Dated: April 26, 2012

/s/ Jennifer L. Thurston
16 UNITED STATES MAGISTRATE JUDGE