

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN PEREZ and on behalf of all other similarly situated individuals,

Plaintiff,

**LEPRINO FOODS COMPANY, a
Colorado Corporation; LEPRINO
FOODS DAIRY PRODUCTS
COMPANY, a Colorado Corporation;
and DOES 1-50, inclusive,**

Defendants.

CASE NO. 1:17-CV-00686-DAD-SAB

ORDER RELATING AND REASSIGNING CASE

On November 15, 2013, Plaintiff Jerrod Finder (“Finder”) filed a wage and hour class action against Leprino Foods Company and Leprino Foods Dairy Products Company (collectively “Leprino”), alleging California Labor Code violations including failures to provide a second meal break or accurate itemized statements, waiting time violations, Unfair Business Practices Act violations, and Private Attorneys General Act claims based on those substantive violations. On January 21, 2015, Jonathon Talavera (“Talavera”) filed a wage and hour class action against Leprino, alleging, (1) claims relating to Leprino’s donning and doffing procedure for required sanitary gear, (2) the same second meal period denial claim as Finder, and (3) claims for failure to pay all hours worked, overtime, and wages upon termination (based on both (a) the second meal period and rest period denials, and (b) the donning and doffing related claims). The

1 Court consolidated the two actions on November 21, 2016. Doc. 63. On January 20, 2017, the
2 Court stayed the consolidated action. Doc. 81.

3 On April 13, 2017, counsel for Talavera filed *Perez v. Leprino*—a new putative class
4 action in Kings County Superior Court against Leprino, alleging claims that appear to be almost
5 identical to those alleged in the *Talavera* action. *Perez v. Leprino*, EDCA Case No. 1:17-cv-
6 00686-DAD-SAB, Doc. 1 at 11-32. That action was removed to this Court on May 18, 2017, and
7 assigned to District Judge Dale Drozd. *Id.* The following day, Leprino filed a notice of related
8 cases.

9 Local Rules provide that when a “Judge to whom the action with the lower or lowest
10 number has been assigned determines that assignment of the actions to a single Judge is likely to
11 effect a savings of judicial effort or other economies, that Judge is authorized to enter an order
12 reassigning all higher numbered related actions to himself or herself.” Local Rule 123(c). The
13 above-entitled action appears to involve similar questions of fact and law as *Finder v. Leprino*.
14 Assignment to the same judge is likely to effect a substantial savings of judicial effort. *See* Local
15 Rule 123(a)(3). Because the undersigned is assigned the lowest numbered related case, all of the
16 above-entitled case are hereby reassigned from the dockets of District Judge Dale A. Drozd and
17 Magistrate Judge Stanley A. Boone to the dockets of Senior District Judge Anthony Ishii and
18 Magistrate Judge Barbara A. McAuliffe. The Clerk of the Court is also respectfully directed to
19 relate this action to *Finder v. Leprino*, Case No. 1:13-cv-02059-AWI-BAM.

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21 IT IS SO ORDERED.

22 Dated: May 23, 2017


23 SENIOR DISTRICT JUDGE
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