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

JINETRA BONNER, individually, on behalf
herself and all others similarly situated,

Plaintiffs,

vs.

TESORO REFINING & MARKETING
COMPANY, LLC, a Delaware Limited
Liability Company; and DOES 1 through 100
inclusive,

Defendants.

Case No. 17-CV-00936-WBS-DB

CLASS ACTION

ORDER DISMISSING CERTAIN CLAIMS

Complaint filed: March 22, 2017
Removal date: May 3, 2017
Trial date: None set

1 Before the Court is the Parties' Joint Stipulation to Dismiss the Meal Period Claims herein.
2 Good Cause having been shown, said Stipulation if GRANTED, and IT IS HEREBY ORDERED
3 that:

4 1. Plaintiff's First Cause of Action for Unlawful Use of an "On-Duty Meal Period
5 Agreement" ("ODMPA") or alternatively, Failure to Provide Timely, Off-Duty, 30-Minute Meal
6 Periods shall be dismissed **without prejudice**.

7 2. Plaintiff's Second Cause of Action for Failure to Provide Suitable Facilities for
8 Meal or Rest Periods shall be dismissed **without prejudice**.

9 3. Plaintiff's Fifth Cause of Action for Civil Penalties under the Private Attorneys
10 General Act for non-compliant meal periods, except paragraphs 53, 54, 55, 56, 57, 58, 59, 60, and
11 63, shall be dismissed **without prejudice**.


12 4. Plaintiff's Sixth Cause of Action for Civil Penalties under the Private Attorneys
13 General Act for Failure to Provide Suitable Facilities for Meal or Rest Periods shall be dismissed
14 **without prejudice**.

15 5. Plaintiff's Fourth and Eighth Causes of action shall be dismissed in part, **without**
16 **prejudice**, only to the extent those claims are predicated on the violations asserted in the First,
17 Second, Fifth, and Sixth Causes of Action.

18 6. Any and all allegations specifically seeking relief pursuant to Wage Order 1,
19 section 11 and Labor Code sections 226.7 and 512 with respect to the alleged failure to comply
20 with meal period laws or failure to provide suitable facilities for meal or rest periods under
21 California law, including but not limited to Subclass One and Subclass Two, shall be dismissed
22 **without prejudice**.

23 **IT IS SO ORDERED.**

24 Dated: June 28, 2017



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE