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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEAN ALEXANDER, *et al.*,

No. C-05-0038 EMC

Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEM,  
INC.,

**ORDER RE SUPPLEMENTAL  
BRIEFING RE JOINT SUBMISSION;  
AND EX PARTE MOTION TO  
INTERVENE AND FOR  
APPOINTMENT**

Defendant.

**(Docket Nos. 134-35)**

This order addresses two filings that have recently been made in the above-referenced case.

First, regarding the parties' joint submission filed on August 20, 2015, *see* Docket No. 134, the Court hereby orders supplemental briefing. More specifically, the parties shall address why the meal-and-rest-break claims prior to August 2011 are time barred – particularly as a meal-and-rest-break claim was included as part of the original class action complaint filed in 2004. *See, e.g., Am. Pipe & Constr. Co. v. Utah*, 414 U.S. 538, 554 (1974) (stating that “the commencement of a class action suspends the applicable statute of limitations as to all asserted members of the class who would have been parties had the suit been permitted to continue as a class action”). **The supplemental brief shall be filed by August 28, 2015, at 9:00 a.m.**

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Second, regarding the ex parte application filed by Henrik Zohrabians in which he seeks to intervene and to be appointed as a subclass representative, *see* Docket No. 135, the Court shall not issue, at this time, any rulings on the requests for relief. However, the Court shall permit Mr. Zohrabians to make an appearance at the September 3, 2015, hearing so that the Court may address how to proceed with the motions.

IT IS SO ORDERED.

Dated: August 24, 2015

  
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EDWARD M. CHEN  
United States District Judge