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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MORENO ET AL,

No. C 05-04432 CRB

Plaintiff,

ORDER

v.

AUTOZONE, INC,

Defendant.
_____ /

On September 12, 2008, the Court received Plaintiff's Proposed Class Notice. Defendant submitted objections shortly thereafter. The Court agrees that Plaintiff must restrict the Class Notice to former employees who separated from AutoZone at any time from November 1, 2004 through May 30, 2008. Pursuant to McCoy v. Superior Court, 157 Cal. App. 4th 225, 229 (2007), the remedy available for a violation of California Labor Code § 203 is a "penalty," not the payment of wages. Accordingly, the statute of limitations applicable to this action is one year. See id. at 233. Plaintiff shall also strike "wages" from the statement of recovery.

The Court orders Plaintiff amend the notice so that it describes AutoZone's defenses, as set forth in Defendant's Objections to Class Notice. Plaintiff shall also identify defense counsel by name, firm, address, and phone number.

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Plaintiff is ordered to submit an amended Class Notice that meets these requirements by Tuesday, September 23, 2008. Defendant shall submit any objections by Friday, September 26, 2008.

IT IS SO ORDERED.

Dated: September 19, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE