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

MORENO ET AL,

No. C 05-04432 CRB

Plaintiffs,

ORDER

v.

AUTOZONE, INC,

Defendant.
_____ /

After considering the parties' submissions, the Court maintains that the applicable statute of limitations is one year pursuant to McCoy v. Superior Court, 157 Cal. App. 4th 225, 229 (2007). Plaintiffs' attempt to rely on Murphy v. Kenneth Cole Productions, Inc., 40 Cal. 4th 1094 (2007) is unavailing. McCoy, decided after Murphy, expressly rejects the Murphy court's discussion of Cal. Lab. Code § 203. See McCoy, 157 Cal. App. 4th at 232-33 (noting that any discussion of § 203 in Murphy was dicta). The certified class is not seeking "wages" but rather a penalty for Defendant's purported delay in delivering paychecks. Plaintiffs also may not rely on the longer statute of limitations found in California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, because it is not applicable to alleged violations of § 203. See Montecino v. Spherion Corp., 427 F. Supp. 2d 965, 967-68 (C.D. Cal. 2006).


Accordingly, the class notice attached as "Exhibit B" to Plaintiffs' Brief Regarding the Applicable Statute of Limitations is approved. Plaintiffs must also include the

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amendments described in their subsequent filing, giving information about AutoZone's defenses and counsel.

IT IS SO ORDERED.

Dated: September 29, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE