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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JESSICA JIMENEZ, et al.,  
Plaintiffs,  
v.  
MENZIES AVIATION INC., et al.,  
Defendants.

Case No. [15-cv-02392-WHO](#)

**ORDER GRANTING DEFENDANT'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT AND DENYING  
PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Dkt. Nos. 62, 68

Plaintiffs Jessica Jimenez and Orlando Mijos and defendant Menzies Aviation Inc. have filed cross motions for partial summary judgment. Dkt. No. 62; Dkt. No. 68. I held a hearing on the motions on December 14, 2016. Because the parties indicated at the hearing that a mediation is scheduled for early January and that a ruling on their summary judgment motions would be helpful prior to the mediation, I will now rule on the motions. An order explaining my reasoning will be forthcoming.

After reviewing the parties' memoranda, evidence, and argument, I conclude that plaintiffs have failed to present any evidence of a disputed material fact to support their unpaid overtime claims and have failed to present any evidence of actual injury on their wage statement claims. Plaintiffs' derivative claims are similarly unsupported by evidence. Menzies' motion for partial summary judgment is GRANTED and plaintiffs' motion for partial summary judgment is DENIED.

The Second (unpaid overtime), Third (waiting time) and Sixth (UCL) Causes of Action are adjudicated in favor of Menzies in full. The Fourth Cause of Action (wage statements), to the extent it is based on plaintiffs' inclusive dates and overtime theories, is adjudicated in favor of Menzies. However, Menzies did not seek summary judgment on plaintiffs' "Lead pay" theory, so

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the Fourth Cause of Action survives to the extent it relies on the Lead pay theory. The Seventh Cause of Action (PAGA), to the extent it is derivative of the Second, Third and Sixth Causes of Action and the inclusive dates theory and overtime theory of Fourth Cause of Action, is adjudicated in favor of Menzies. Menzies did not seek summary judgment on the non-class claims – the First (unpaid minimum wage) and Fifth (reimbursement for tools and equipment) Causes of Action – so those claims also remain at issue.

**IT IS SO ORDERED.**

Dated: December 22, 2016

  
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WILLIAM H. ORRICK  
United States District Judge