

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

DAVID BERLANGA, ET AL.,  
Plaintiffs,  
v.  
EQUILON ENTERPRISES LLC, et al.,  
Defendants.

Case No. [17-cv-00282-MMC](#)

**ORDER AFFORDING PLAINTIFFS  
LEAVE TO FILE SURREPLY;  
CONTINUING HEARING ON  
DEFENDANTS' MOTION TO DISMISS;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Before the Court is defendants Equilon Enterprises LLC, CRI U.S. LP, CRI Catalyst Company LP and Shell Pipeline Company LP's (collectively, "Shell Defendants") "Motion to Dismiss Plaintiffs' Amended Complaint," filed June 26, 2017. Plaintiffs David Berlanga, Brandon Ehresman, Charles Gaeth, Michael Gonzalez, John Langlitz and Christopher Palacio have filed opposition, to which Shell Defendants have replied. Having read and considered the parties' respective written submissions, the Court, for the reasons stated below, finds it appropriate to afford plaintiffs the opportunity to file a surreply.

In their First Amended Class Action Complaint, plaintiffs allege they have not been provided with rest breaks in accordance with California law. In their motion, Shell Defendants argue, inter alia, that plaintiffs' claims are completely preempted by the Labor Management Relations Act because, according to Shell Defendants, resolution of those claims will require interpretation of terms in collective bargaining agreements ("CBAs") governing plaintiffs' employment. Although the motion identifies certain terms in the CBAs that pertain to rest breaks, Shell Defendants do not identify any dispute as to the interpretation of those terms nor do they explain how plaintiffs' claims are dependent on

1 the resolution of any such dispute. In their reply, however, Shell Defendants identify a  
2 dispute as to the meaning of the contractual term "uninterrupted" and argue the dispute  
3 as to interpretation of that term must be resolved in order to determine plaintiffs' claims.  
4 (See Defs.' Reply at 5:17 - 6:11.)

5 In order to afford plaintiffs an opportunity to respond to the above-referenced new  
6 argument, the Court hereby sets the following supplemental briefing schedule and  
7 continues the hearing on Shell Defendants' motion, as follows:

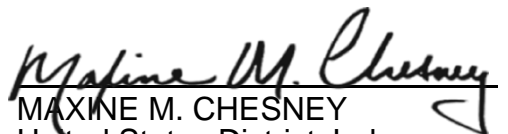
8 1. No later than August 11, 2017, plaintiffs shall file a surreply, not to exceed five  
9 pages in length.

10 2. The hearing on Shell Defendants' motion to dismiss is hereby CONTINUED  
11 from August 4, 2017, to August 25, 2017, at 9:00 a.m.

12 Lastly, in light of the above, the Case Management Conference is hereby  
13 CONTINUED from September 15, 2017, to September 29, 2017, at 10:30 a.m. A Joint  
14 Case Management Conference shall be filed no later than September 22, 2017.

15 **IT IS SO ORDERED.**

16  
17 Dated: August 31, 2017

  
MAXINE M. CHESNEY  
United States District Judge