

United States District Court
For the Northern District of California

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E-FILED on 9/30/2013

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FLORENCIA MONDRAGON, et al.,
Plaintiffs,
v.
JESUS FERNANDEZ, et al.,
Defendants.

No. C-08-05721 RMW
(Consolidated with C-08-05722)
JUDGMENT

By order dated May 13, 2011, the above two cases were consolidated for trial.

On June 14, 2011, this court granted summary adjudication in favor of plaintiff Alma Yadira and against defendant Jesus Fernandez, individually, and doing business as Tony’s Pool Hall, for his failure to provide accurate wage statements as required by California labor law and found Yadira entitled to \$4,000.00 on that claim.

The remaining claims in these consolidated cases came on regularly for jury trial on March 26, 2012, and was tried from March 26, 2012, through April 2, 2012. Plaintiffs Alma Yadira and Florencia Mondragon appeared by their attorney Adam Wang. Defendant Jesus Fernandez, individually and dba Tony’s Pool Hall and Maria’s Nightclub, appeared by his attorneys, Victoria L.H. Booke and Viana Cowan.

JUDGMENT
No. C-08-05721 RMW(Consolidated with C-08-05722)

1 At trial, Alma Yadira dropped her class action and California Private Attorney Act claims.
2 The jury returned a verdict awarding \$1980.00 to Yadira for unpaid overtime wages both under
3 California labor law and under the Federal Fair Labor Standards Act. The jury awarded an
4 additional \$1980.00 to Yadira as liquidated damages on her federal claim and an additional \$990.00
5 as a penalty authorized by California law for the willful failure to pay overtime wages upon
6 termination of employment.

7 The jury returned a verdict in favor of defendant Fernandez and against Yadira on her meal
8 break claim.

9 The jury returned a verdict in favor of defendant Fernandez against Mondragon on her
10 California meal break claim and on her overtime claim under the FLSA. The jury did not
11 unanimously agree on whether Mondragon was entitled to recover on her overtime claim under
12 California law or whether she was an exempt employee not entitled to overtime compensation.

13 On September 4, 2013, plaintiff Mondragon dismissed without prejudice her California state
14 law claim for overtime wages and proceeded to trial before the undersigned on her equitable claim
15 for restitution under the California Business and Professions Code § 17.200 *et seq.* On September
16 20, 2013, after trial and consideration of the evidence and arguments of counsel, the court issued its
17 Findings of Fact and Conclusions of Law, finding that the evidence established that Mondragon was
18 an exempt employee and concluding that she was not entitled to recover overtime wages from Jesus
19 Fernandez, individually, or doing business as Maria's Nightclub.

20 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

21 1. Alma Yadira is entitled to recover \$6970.00 from Jesus Fernandez, individually and doing
22 business as Tony's Pool Hall (court assumes that Yadira chooses to collect under California law as it
23 means a greater recovery to her);

24 2. Jesus Fernandez, individually and doing business as Maria's Nightclub, is entitled to
25 judgment against Florencia Mondragon and she is to take nothing by way of her complaint;

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3. Alma Yadira is entitled to costs, including any attorney's fees awarded; and
4. Jesus Fernandez is entitled to costs on Mondragon's claims.

DATED: September 30, 2013

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge