

MAY 03 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA DEL CARMEN PENA;)	No. 15-15965
CONSUELO HERNANDEZ;)	
LETICIA SUAREZ; ROSEMARY)	D.C. No. 2:13-cv-01282-KJM-AC
DAIL; WENDELL T. MORRIS,)	
)	MEMORANDUM*
Plaintiffs-Appellees,)	
)	
v.)	
)	
TAYLOR FARMS PACIFIC, INC.,)	
DBA Taylor Farms,)	
)	
Defendant-Appellant,)	
)	
and)	
)	
ABEL MENDOZA, INC.;)	
MANPOWER, INC.; QUALITY)	
FARM LABOR, INC.; SLINGSHOT)	
CONNECTIONS LLC,)	
)	
Defendants.)	
)	
<hr/>)	
MARIA DEL CARMEN PENA;)	No. 15-15966
CONSUELO HERNANDEZ;)	
LETICIA SUAREZ; ROSEMARY)	D.C. No. 2:13-cv-01282-KJM-AC
DAIL; WENDELL T. MORRIS,)	

*This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

)
Plaintiffs-Appellees,)
)
v.)
)
ABEL MENDOZA, INC.,)
)
Defendant-Appellant,)
)
and)
)
TAYLOR FARMS PACIFIC, INC.,)
DBA Taylor Farms; MANPOWER,)
INC.; QUALITY FARM LABOR,)
INC.; SLINGSHOT)
CONNECTIONS LLC,)
)
Defendants.)
<hr/>	

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Argued and Submitted April 19, 2017
San Francisco, California

Before: THOMAS, Chief Judge, and FERNANDEZ and MURGUIA, Circuit Judges.

Taylor Farms Pacific, Inc. (“TFP”) and Abel Mendoza, Inc. (“AMI”) appeal the district court’s order¹ which granted class certification to a class comprised of

¹*Pena v. Taylor Farms Pac., Inc.*, 305 F.R.D. 197 (E.D. Cal. 2015) (hereafter *Taylor Farms I*).

current and former employees who allegedly did not receive the meal breaks required by California law while working at TFP’s produce and food processing facilities in Tracy, California.² The representative members of the certified classes are Maria Del Carmen Pena, Consuelo Hernandez, and Wendell T. Morris.³ We affirm.

For the reasons set forth in its order,⁴ we affirm the district court’s grant of “[c]ertification of the mixed hourly worker subclass . . . as to meal break claims,” and its “[c]ertification of the waiting time subclass . . . [to the extent it] is derivative of the mixed hourly workers subclass.”⁵ We express no opinion about the district court’s determinations regarding the other subclasses.⁶

AFFIRMED.

²Class certification was sought on a number of other grounds, but the issues before us involve only a meal break subclass certification and a derivative waiting-time subclass certification.

³Morris is a representative member of the meal break subclass only.

⁴*See Taylor Farms I*, 305 F.R.D. 197.

⁵*See id.* at 224.

⁶*See id.* at 207–11, 223–24.