

FILED

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NOT FOR PUBLICATION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.)	
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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,)
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v.)
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ABEL MENDOZA, INC.,)
)
Defendant-Appellant,)
)
and)
)
TAYLOR FARMS PACIFIC, INC.,)
DBA Taylor Farms; MANPOWER,)
INC.; QUALITY FARM LABOR,)
INC.; SLINGSHOT)
CONNECTIONS LLC,)
)
Defendants.)
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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.