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 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES

FILED

11 UNITED STATES DISTRICT COURT
 12
 13 CENTRAL DISTRICT OF CALIFORNIA

14 WESTERN DIVISION

CV 13-04335

CAS
 CJA

15 JUAN PEREZ, on behalf of himself and
 16 those similarly situated,

17 Plaintiffs,

18 v.

19 ALTA-DENA CERTIFIED DAIRY,
 LLC, a Delaware Limited Liability
 20 Company; and DOES 1 through 10,
 inclusive,

21 Defendants.

Civil Action No.

CLASS ACTION

NOTICE OF RELATED
 CASES

[Local Rule 83-1.3.1]

[Los Angeles Superior Court Case
 No. BC509036]

1 **TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL**
 2 **DISTRICT OF CALIFORNIA AND TO THE PARTIES HEREIN AND**
 3 **THEIR ATTORNEYS OF RECORD:**

4 PLEASE TAKE NOTICE THAT, pursuant to Local Rule 83-1.3.1,
 5 Defendant Alta-Dena Certified Dairy, LLC (“Alta-Dena”) hereby respectfully
 6 submits that the above-entitled action is related to the following three actions: (1)
 7 *Steven M. Ikeda et al. v. Alta-Dena Certified Dairy, LLC*, Case No. CV 12-03034 R
 8 (FFMx), (2) *de la Cueva v. Alta-Dena Certified Dairy, LLC, et al.*, Case No. CV
 9 12-01804 GHK (CWx), and (3) *Parker v. Dean Transportation, Inc., et al.*, Case
 10 No. CV 13-02621 BRO (VBKx).

11 1. Defendant Alta-Dena submits that this case is related to the above
 12 three actions because they (a) arise from the same or closely related transactions,
 13 happenings or events, and (b) call for determination of the same or substantially
 14 related questions of law and fact, as described below.

15 **I. *Ikeda v. Alta-Dena Certified Dairy, LLC, et al.*, No. CV 12-03034 R (FFMx).**

16 2. The *Ikeda* case was first removed to this Court on November 21, 2011,
 17 under the caption *Steven M. Ikeda v. Swiss II, LLC*, Case No. CV 11-9686 R
 18 (FFMx) and was eventually assigned to the calendar of the Honorable Manuel L.
 19 Real, United States District Judge.

20 3. Following removal, the plaintiff, Mr. Steven M. Ikeda (“Ikeda”), filed
 21 a first amended complaint, adding four additional named plaintiffs and naming
 22 Alta-Dena Certified Dairy, LLC as a defendant. *See* Dkt. No. 20.

23 4. The five plaintiffs in the *Ikeda* action asserted claims against Alta-
 24 Dena for missed meal and rest breaks and related claims arising under California
 25 law.

26 5. After Mr. Ikeda filed his first amended complaint, the court remanded
 27 the action on April 2, 2012, rejecting the original stated grounds for removal—
 28 federal question jurisdiction. Immediately following remand, Alta-Dena removed

1 the case to this Court again on April 6, 2012, asserting that the first amended
2 complaint was removable based on this Court's diversity jurisdiction. Upon this
3 second removal, the action was captioned *Steven M. Ikeda, et al. v. Alta-Dena*
4 *Certified Dairy, LLC*, Case No. CV 12-03034 R (FFMx) and was determined to be
5 related to the case as originally removed, *Steven M. Ikeda v. Swiss II, LLC*, Case
6 No. CV 11-9686 R (FFMx).

7 6. After Alta-Dena's removal, the plaintiffs in *Ikeda* moved to remand
8 the case, and Alta-Dena moved to dismiss the first amended complaint. Judge Real
9 expended considerable time and effort in adjudicating both motions, ultimately
10 denying the motion to remand and granting the motion to dismiss with prejudice.
11 Plaintiff appealed both orders to the Ninth Circuit, where the case is now pending.

12 7. The instant case is a putative class action filed by Juan Perez
13 ("Perez"), a former employee of Alta-Dena like the plaintiffs in *Ikeda*. Perez
14 asserts claims against Alta-Dena for failure to provide meal and rest breaks in
15 accordance with California law, and related claims arising under California law.

16 8. Both this case and the *Ikeda* case are putative class actions alleging
17 claims for missed meal and rest breaks under California law.

18 9. The defendant, Alta-Dena Certified Dairy, LLC, is the same in both
19 cases.

20 10. Both cases are likely to involve substantially similar questions of fact
21 in terms of meal and rest break policies and practices, and could also have
22 overlapping witnesses, including drivers, supervisors, and managers.

23 11. Therefore, these two cases arise from related transactions, happenings,
24 events, or occurrences.

25 12. Moreover, these two cases are likely to include substantially similar
26 questions of fact and law, including at least: (a) the nature of the meal and rest
27 break policies at issue, (b) whether such meal and rest break policies and practices
28 complied with the law, and (c) whether class certification is appropriate.

1 13. In light of the substantial time and effort Judge Real expended in
2 adjudicating two motions to remand and a motion to dismiss in the *Ikeda* case,
3 assigning this case to a different judge would result in substantial duplication of
4 labor.

5 14. While this case is closely related factually and legally to the *Ikeda* case
6 discussed above, it also may be deemed related to the *de la Cueva* case and/or the
7 *Parker* case discussed below. The *Ikeda* case is the lower-numbered case, because
8 it was initially removed to this Court for the first time in 2011 under the caption
9 *Steven M. Ikeda v. Swiss II, LLC*, Case No. CV 11-9686 R (FFMx).

10 **II. *de la Cueva v. Alta-Dena Certified Dairy, LLC*, No. CV 12-01804 GHK**
11 **(CWx).**

12 15. This case may also be deemed related to *de la Cueva v. Alta-Dena*
13 *Certified Dairy, LLC*, Case No. CV 12-01804 GHK (CWx).

14 16. The *de la Cueva* case was removed to this Court on March 2, 2012,
15 and was assigned to the calendar of the Honorable George H. King, United States
16 District Judge.

17 17. The plaintiff, Mr. de la Cueva, like the plaintiff in the instant action,
18 was employed by Alta-Dena and asserted claims against Alta-Dena for missed meal
19 and rest breaks and related claims arising under California law.

20 18. Indeed, the plaintiff in this case, Mr. Perez, was a putative class
21 member in the *de la Cueva* case and submitted a declaration in support of Mr. de la
22 Cueva's motion for class certification in that case. *See de la Cueva*, No. CV 12-
23 01804, Dkt. No. 46, Ex. M, p. 72.

24 19. After receiving extensive briefing and hearing argument on the motion
25 for class certification, Chief Judge King ultimately denied the motion for class
26 certification in *de la Cueva*, and explicitly discussed in his decision Mr. Perez's
27 declaration. *See de la Cueva*, No. CV 12-01804, Dkt. No. 61 at 4.

20. Both this case and the *de la Cueva* case were filed as putative class actions alleging claims for missed meal and rest breaks under California law.

21. Both cases involve a common defendant, Alta-Dena Certified Dairy, LLC.

22. Both cases are likely to involve substantially similar questions of fact in terms of the meal and rest break policies and practices of Alta-Dena, and will involve overlapping witnesses, including drivers, supervisors, and managers.

23. Therefore, these two cases arise from related transactions, happenings, events, or occurrences.

24. Moreover, these two cases necessarily include substantially similar questions of fact and law, including at least: (a) the nature of the meal and rest break policies at issue, (b) whether such meal and rest break policies and practices complied with the law, and (c) whether class certification is appropriate.

25. In light of the substantial time and effort Judge King expended in adjudicating the motion for class certification in the *de la Cueva* case, among other motions, assigning this case to a judge who is not familiar with the facts, the claims, or the parties in this action would result in substantial duplication of labor.

III. *Parker v. Dean Transportation, Inc., et al.*, Case No. CV 13-02621 BRO (VBKx)

26. This case may also be deemed related to *Parker v. Dean Transportation, Inc., et al.*, Case No. CV 13-02621 BRO (VBKx).

27. The *Parker* case was removed to this Court on April 15, 2013, and was assigned to the calendar of the Honorable Beverly Reid O'Connell, United States District Judge.

28. The plaintiff, Mr. Parker, was employed as a driver by Dean Foods of Southern California, LLC (dba Heartland Farms) ("Heartland") and by another Dean Foods subsidiary called Dean Transportation, Inc. ("DTI"). Effective January 1, 2013, Plaintiff's former employer Heartland merged with and into Alta-Dena,

1 another Dean Foods subsidiary. Although Parker never was employed by Alta-
2 Dena, he has amended his complaint to include Alta-Dena as a defendant. *See*
3 *Parker*, No. CV 13-02621, Dkt. No. 25.

4 29. Before filing the *Parker* action, Mr. Parker sought to insert himself as
5 a named plaintiff in the *de la Cueva* action discussed above. *See de la Cueva*, No.
6 CV 12-01804, Dkt. No. 41.

7 30. Like the plaintiff in the instant action, Mr. Parker asserts claims
8 against Alta-Dena (and other defendants) for missed meal and rest breaks and
9 related claims arising under California law.

10 31. Both this case and the *Parker* case are putative class actions alleging
11 claims for missed meal and rest breaks under California law.

12 32. Both actions involve a common defendant, Alta-Dena Certified Dairy,
13 LLC.

14 33. Both cases are likely to involve substantially similar questions of fact
15 in terms of the meal and rest break policies and practices at issue, and may also
16 involve overlapping witnesses, including drivers, supervisors, and managers.

17 34. Therefore, these two cases arise from related transactions, happenings,
18 events, or occurrences.

19 35. Moreover, these two cases are likely to involve substantially similar
20 questions of fact and law, including at least: (a) the nature of the meal and rest
21 break policies at issue, (b) whether such meal and rest break policies and practices
22 complied with the law, and (c) whether class certification is appropriate.

23 36. Parker has filed a motion to remand, and the defendants have filed a
24 motion to dismiss.

25 37. In light of the substantial time and effort Judge O'Connell will expend
26 in adjudicating the pending motions in the *Parker* case, assigning this case to a
27 judge who is not familiar with any of the facts, the claims, or the parties involved in
28 this case would result in substantial duplication of labor.

1 Dated: June 17, 2013

MARC M. SELTZER
KATHRYN P. HOEK
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PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 950, Los Angeles, California 90067-6029.

On June 17, 2013, I served the foregoing document(s) described as follows:

NOTICE OF RELATED CASES

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached service list, as follows:

XX BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

____ BY PERSONAL SERVICE: I caused to be delivered such envelope by hand to the offices of the addressee.

____ BY FEDERAL EXPRESS OR OVERNIGHT COURIER

____ BY TELECOPIER

XX BY ELECTRONIC MAIL: I caused said documents to be prepared in portable document format (PDF) for e-mailing and served by electronic mail as indicated on the attached service list.

Executed on June 17, 2013, at Los Angeles, California

XX (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

M.F. Williams
(Type or Print Name)

(Signature)

SERVICE LIST

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