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# NEWS RELEASE

Release Number: **S.C. 46/10**

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## **Summary of Cases Accepted During the Week of November 15, 2010**

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#10-132 Kirby v. Immoos Fire Protection, Inc., S185827.** (C062306; 186 Cal.App.4th 1361; Sacramento County Superior Court; 07AS00032.) Petition for review after the Court of Appeal affirmed in part and reversed in part an award of attorney fees in a civil action. The court limited review to the following issues: (1) Does Labor Code section 1194 apply to a cause of action alleging meal and rest period violations (Lab. Code, § 226.7) or may attorney's fees be awarded under Labor Code section 218.5? (2) Is our analysis affected by whether the claims for meal and rest periods are brought alone or are accompanied by claims for minimum wage and overtime?

**#10-133 Brookler v. Radioshack Corp., S186357.** (B212893; nonpublished opinion; Los Angeles County Superior Court; BC313383.) Petition for review after the Court of Appeal reversed an order decertifying a class action. The court ordered briefing deferred pending decision in *Brinker Restaurant Corp. v. Superior Court*, S166350 (#08-157), which presents issues concerning the proper interpretation of California's statutes and regulations governing an employer's duty to provide meal and rest breaks to hourly workers.

### **DISPOSITION**

Review in the following case was dismissed in light of *County of Santa Clara v. Superior Court* (2010) 50 Cal.4th 35:

**#08-148 In re Red Light Photo Enforcement Cases, S165425.**