

MAY 23 2005

APRIL HERNANDEZ, individually and on behalf of all those similarly situated
BY C. HERNANDEZ

WALSH & WALSH, PC
Michael J. Walsh, SB# 155401
420 Exchange, Suite 270
Irvine, California 92602
Tel: (714) 544-6609; Fax: (714) 544-6621

LAW OFFICE OF ROBERT W. SKRIPKO, JR., PC
Robert W. Skripko, Jr., SB# 151226
1323 North Broadway, 2nd Floor
Santa Ana, California 92706
Tel: (714) 543-6200; Fax: (714) 543-6140

LANGFORD & LANGFORD, PC
Michael S. Langford, SB# 125756
1502 North Broadway
Santa Ana, California 92706
Tel: (714) 953-9700; Fax: (714) 953-9797

Attorneys for Plaintiff,
April Hernandez, individually and on
behalf of all those similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER- COMPLEX CIVIL

APRIL HERNANDEZ, individually and on behalf of all others similarly situated, and on behalf of the general public.	)	CASE NO. 03 CC 00012
	)	JUDGE: HON., JONATHAN CANNON
	)	DEPT: CX-102
)	
Plaintiff,)	
	)	PROPOSED ORDER ON PLAINTIFF'S
vs.	)	MOTION FOR CLASS CERTIFICATION
)	
MAIN STREET AND MAIN, INCORPORATED, a Delaware corporation doing business as T.G.I. FRIDAYS; and DOES 1 through 100, inclusive,	)	COMPLAINT: 1-22-03
	)	HEARINGS PENDING:
	)	MOTION FOR CLASS CERTIFICATION
	)	DATE: 5-19-05
	)	TIME: 1:30 p.m.
Defendants	)	DEPT: CX-102
	)	TRIAL: None Set

TO ALL PARTIES HEREIN AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

1 On May 19, 2005, at 1:30 p.m., Plaintiff, April Hernandez's Motion for Class Certification
2 came on regularly for hearing in Department CX-102 of the Orange County Superior Court –
3 Complex Civil, in connection with the above-captioned matter.

4 Michael J. Walsh, Esq., of Walsh & Walsh, PC, Michael S. Langford, Esq., of Langford &
5 Langford, PC, and Robert W. Skripko, Jr., of the Law Office of Robert W. Skripko, Jr., PC, appeared
6 on behalf Plaintiff, individually and all others similarly situated. Robert W. Thompson, Esq., and
7 Kathleen Hartman, Esq., of Callahan, McCune & Willis, APLC, appeared on behalf of Defendant,
8 Main Street and Main, Inc. dba T.G.I. Fridays.

9 Upon thorough review and consideration of the moving and opposing papers, all evidentiary
10 objections filed concurrently therewith, all pleadings and records on file with the Court herein, and
11 oral argument thereon, the Court rules as follows:

12 IT IS HEREBY ORDERED:

13 **THE CLASS**

14 1. All present and former employees of Defendant, Main Street and Main, Incorporated
15 ("Main Street") who worked at a T.G.I. Friday's restaurant in California, holding non-salaried
16 positions, including but not limited to server (waiter or waitress), busperson, food preparer, seater
17 (host or hostess), cook, or bartender, at any time between January 16, 1999 to May 19, 2005, are
18 hereby certified as a members of the Class ("Class Members"). The Class is hereby defined as, and
19 comprised of, the following six certified subclasses:

20 **SUBCLASSES**

21 (A) Class Members who worked one or more shifts in excess of 3.5 hours without receiving
22 a paid ten minute break during which the Class Member was relieved of all duties, during the period
23 beginning January 16, 1999 and ending September 30, 2000 ("Rest Period Subclass A");

24 (B) Class Members who worked one or more shifts in excess of 3.5 hours without receiving
25 paid ten minute break during which the Class Member was relieved of all duties, from and after
26 October 1, 2000 ("Rest Period Subclass B");

27 (C) Class Members who worked one or more shifts in excess of 5.0 hours, but not more than
28 6.0 hours, without receiving a thirty minute meal period during which the Class Member was relieved

1 of all duties, from and after October 1, 2000 ("Meal Period Subclass A");

2 (D) Class Members who worked one or more shifts in excess of 6.0 hours, without receiving
3 a thirty minute meal period during which the Class Member was relieved of all duties, from and after
4 October 1, 2000 ("Meal Period Subclass B");

5 (E) Class Members who purchased TGI Friday's uniforms from Main Street and Main, Inc.
6 ("Uniform Subclass"); and

7 (F) Class Members who were required to purchase work equipment as a condition of
8 employment ("Equipment Subclass").

9 Certification is granted to the Uniform Subclass (E) and Equipment Subclass (F) on the
10 condition that Plaintiff finds a suitable class representative within the next fifteen (15) days.

11 Plaintiff, April Hernandez, is hereby approved as the Class Representative for Sub-Classes A
12 through D, inclusive, to wit, Rest Period Subclass A, Rest Period Subclass B, Meal Period Subclass A
13 and Meal Period Subclass B.

14 Michael J. Walsh, of Walsh & Walsh, PC, Michael S. Langford, of Langford & Langford
15 PC, and Robert W. Skripko, Jr., of the Law Office of Robert W. Skripko, Jr., PC, are hereby
16 approved as Class Counsel for the entire Class, including each Subclass thereof.

17
18
19 DATED: May 23, 2005

JONATHAN CANNON

HON. JONATHAN CANNON
JUDGE OF THE SUPERIOR COURT