

HORVITZ & LEVY

Business Arts Plaza
3601 W. Olive Ave., 8th Fl.
Burbank, CA 91505
818.995.0800

January 12, 2017

VIA FEDEX

Honorable Tani Cantil-Sakauye, Chief Justice
and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, California 94102-4797

Re: *Augustus v. ABM Security Services, Inc.*
California Supreme Court Case No. S224853
Amici Curiae Letter in Support of Petition for Rehearing
(Cal. Rules of Court, rules 8.532(c) and 8.264(c)(1))

Dear Chief Justice Cantil-Sakauye and Associate Justices:

The Chamber of Commerce of the United States of America (the Chamber) and the National Association of Manufacturers (NAM) (collectively, amici) respectfully submit this amici curiae letter in support of defendant and appellant ABM Security Services, Inc.'s petition for rehearing of the Court's opinion.¹

The Chamber and the NAM previously submitted an amici curiae brief to this Court in this matter. Both organizations continue to have a significant interest in this case. The Chamber is the world's largest federation of business, trade, and professional organizations, representing 300,000 direct members and indirectly representing the interests of more than three million businesses and corporations of every size. The Chamber has many members located in California and others who conduct substantial business in the State and have a significant interest in the sound and equitable development of California employment law.

¹ No party or party's counsel authored this letter in whole or in part or made a monetary contribution intended to fund the preparation or submission of this letter. No person other than the amici curiae, their members, or their counsel made a monetary contribution to fund the preparation or submission of this letter.

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The NAM is the largest association of manufacturers in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. The manufacturing industry employs more than 12 million men and women, contributes roughly \$2.1 trillion to the United States economy annually, has the largest economic impact of any major sector, and accounts for more than three-quarters of private-sector research and development in the United States.

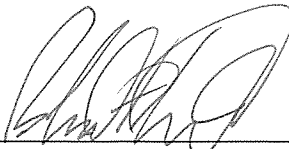
This Court's opinion is of significant interest to amici because many of their members do business in California and the Court's opinion adopts a novel interpretation of California's rest break requirement that has not to amici's knowledge been endorsed by any other appellate court. As recognized in the concurring and dissenting opinion of Justice Kruger, the court's interpretation is "a marked departure" from the court's approach in prior cases and is "in sharp contrast to the DLSE's views." (Conc. & dis. typed opn. 7.) California law requires the vast majority of California employers to authorize and permit paid rest breaks every workday. Businesses that do not comply can face crushing financial liability. Yet this Court's opinion does not address whether its new interpretation of the rest break requirement will apply retroactively to California employers.

The Chamber and the NAM join in ABM's petition for rehearing and urge the Court to grant rehearing and, at a minimum, hold that its new interpretation of the rest break requirement does not apply retroactively.

Respectfully submitted,

HORVITZ & LEVY LLP
JOHN A. TAYLOR, JR.
FELIX SHAFIR
ROBERT H. WRIGHT

By: _____



Robert H. Wright

Attorneys for Amici Curiae
**CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA;
NATIONAL ASSOCIATION OF
MANUFACTURERS**

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is Business Arts Plaza, 3601 West Olive Avenue, 8th Floor, Burbank, California 91505-4681.

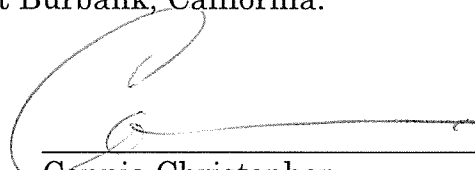
On January 12, 2017, I served true copies of the following document(s) described as **AMICI CURIAE LETTER IN SUPPORT OF PETITION FOR REHEARING** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 12, 2017, at Burbank, California.



Connie Christopher

SERVICE LIST
Augustus v. ABM Security Services, Inc.
S224853

Michael Breen Adreani
Drew E. Pomerance
Roxborough Pomerance et al.
5820 Canoga Avenue, Suite 250
Woodland Hills, CA 91367

Attorneys for Plaintiff and Respondent
Jennifer Augustus

Jeffrey Isaac Ehrlich
The Ehrlich Law Firm
16130 Ventura Blvd., Suite 610
Encino, CA 91436

Attorneys for Plaintiff and Respondent
Jennifer Augustus

Monica Balderrama
Initiative Legal Group, LLP
1801 Century Park East
Suite 2500
Los Angeles, CA 90067

Attorneys for Plaintiffs and Respondents
Jennifer Augustus and Carlos Villacres

Scott Edward Cole
Cole & Associates
1970 Broadway, #950
Oakland, CA 94612

Attorneys for Plaintiff and Respondent
Jennifer Augustus and Emanuel Davis

Alvin L. Pittman
Law Offices of Alvin L. Pittman
5933 West Century Boulevard
Suite 230
Los Angeles, CA 90045

Attorneys for Plaintiffs and Respondents
Jennifer Augustus, Delores Hall, Carlton
Waite

Alvin L. Pittman
Law Offices of Alvin L. Pittman
9841 Airport Blvd., Suite 412
Los Angeles, CA 90045

Attorneys for Plaintiffs and Respondents
Delores Hall, Carlton Waite

Keith A. Jacoby
Littler Mendelson
2049 Century Park East, 5th Fl.
Los Angeles, CA 90067

Attorneys for Defendant and Appellant
ABM Security Services, Inc.

Theodore J. Boutrous
Bradley Hamburger
Gibson Dunn & Crutcher
333 S. Grand Avenue
Los Angeles, CA 90071

Attorneys for Defendant and Appellant
ABM Security Services, Inc.

Andrade E. Jardini
Hillary M. Goldberg
Knapp Petersen & Clarke
550 N. Brand Blvd., 20th Fl.
Glendale, CA 91203-1904

Additional Counsel for Class
Representatives and Class Members

Michael S. Duberchin
Law Offices of Michael S. Duberchin
P.O. Box 8806
Calabasas, CA 91372

Additional Counsel for Class
Representatives and Class Members

Joshua M. Merliss
Gordon Edelstein Krepack Grant Felton &
Goldstein, LLP
3580 Wilshire Blvd., Suite 1800
Los Angeles, CA 90010

Additional Counsel for Class
Representatives and Class Members

Hina B. Shah
Women's Employment Rights Clinic
Golden Gate University School of Law
536 Mission Street
San Francisco, CA 94105-2968

Attorneys for Amicus Curiae
Women's Employment Rights Clinic of
Golden Gate University School of Law

D. Gregory Valenza
Shaw Valenza LLP
71 Stevenson Street, 4th Fl.
San Francisco, CA 94105

Attorneys for Amicus Curiae
California Chamber of Commerce

Paul Grossman
Paul Hastings LLP
515 South Flower St., 25th Fl.
Los Angeles, CA 90071-2228

Attorneys for Amicus Curiae
California Employment Law Council

Kiran Aftab Seldon
Seyfarth Shaw LLP
2029 Century Park East
Suite 3500
Los Angeles, CA 90067

Attorneys for Amicus Curiae
Employers Group

George S. Howard Jr.
Jones Day
12265 El Camino Real, Suite 200
San Diego, CA 92130

Attorneys for Amicus Curiae
Employers Group

Robin E. Largent
Carothers Disante & Freudenberger LLP
900 University Ave., Suite 200
Sacramento, CA 95825

Attorneys for Amicus Curiae
National Association of Security
Companies

David Thomas Mara
Turley Law Firm
7428 Trade Street
San Diego, CA 92121

Attorneys for Amicus Curiae
Consumer Attorneys of California

Louis Max Benowitz
The Law Office of Louis M. Benowitz
9454 Wilshire Blvd., Penthouse 3
Beverly Hills, CA 90212

Attorneys for Amicus Curiae
California Employment Lawyers
Association

Kathleen Jenny Choi
Ogletree Deakins Nash Smoak &
Stewart P.C.
400 South Hope St., Suite 1200
Los Angeles, CA 90071

Attorneys for Amicus Curiae
National Armored Car Association

David R. Ongaro
Thompson & Knight LLP
50 California St., Suite 3325
San Francisco, CA 94111

Attorneys for Amicus Curiae
Trueblue, Inc.

Clerk
Second District Court of Appeal
Division One
300 S. Spring Street
Los Angeles, CA 90013

Case No.: B243788
via Electronic Submission

Hon. John Shepard Wiley, Jr.
Los Angeles County Superior Court
Central Civil West Courthouse
600 S. Commonwealth Ave.
Dept. 311
Los Angeles, CA 90005

Superior Court Case No.:
BC336416