

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:21-cv-02695-EMC**

One Fair Wage, Inc. v. Darden Restaurants Inc.
Assigned to: Judge Edward M. Chen
Cause: 28:451 Employment Discrimination

Date Filed: 04/15/2021
Date Terminated: 09/14/2021
Jury Demand: None
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: Federal Question

Plaintiff

One Fair Wage, Inc.

represented by **Ryan Heath Nelson**
South Texas College of Law
Houston
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Houston, TX 77002
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ATTORNEY TO BE NOTICED

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V.

Defendant

Darden Restaurants Inc.

represented by **Christopher Anthony Braham**
McDermott Will & Emery LLP
2049 Century Park East
Suite 3200
Los Angeles
Los Angeles, CA 90067-3206

United Sta
310-277-4110
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/15/2021	1	COMPLAINT against Darden Restaurants Inc. (Filing fee \$ 402, receipt number 0971-15840836.). Filed byOne Fair Wage, Inc.. (Attachments: # 1 Civil Cover Sheet)(Harrow, Jason) (Filed on 4/15/2021) (Entered: 04/15/2021)
04/15/2021	2	Certificate of Interested Entities by One Fair Wage, Inc. (Harrow, Jason) (Filed on 4/15/2021) (Entered: 04/15/2021)
04/15/2021	3	<p>Case assigned to Magistrate Judge Thomas S. Hixson.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 4/29/2021. (mbcS, COURT STAFF) (Filed on 4/15/2021) (Entered: 04/15/2021)</p>
04/16/2021	4	<p>Initial Case Management Scheduling Order with ADR Deadlines: This case may fall within the Initial Discovery Protocols for Employment Cases Alleging Adverse Action. See General Order 71. Parties and Counsel are directed to review General Order 71 to determine whether it applies to this case, and to comply with that General Order if applicable. Case Management Statement due by 7/8/2021 . Initial Case Management Conference set for 7/15/2021 10:00 AM in San Francisco, - Videoconference Only. (arkS, COURT STAFF) (Filed on 4/16/2021) (Entered: 04/16/2021)</p>
04/16/2021	5	CLERK'S NOTICE: Reminder to submit proposed summons for defendant(s) to be served. <i>(This is a text-only entry generated by the</i>

		<i>court. There is no document associated with this entry.)</i> (arkS, COURT STAFF) (Filed on 4/16/2021) (Entered: 04/16/2021)
04/16/2021	6	Proposed Summons. (Harrow, Jason) (Filed on 4/16/2021) (Entered: 04/16/2021)
04/19/2021	7	Summons Issued as to Darden Restaurants Inc. (arkS, COURT STAFF) (Filed on 4/19/2021) (Entered: 04/19/2021)
04/20/2021	8	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by One Fair Wage, Inc... (Harrow, Jason) (Filed on 4/20/2021) (Entered: 04/20/2021)
04/20/2021	9	<p>CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.</p> <p>ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.</p> <p><i>This is a text only docket entry; there is no document associated with this notice.</i> (rmm2S, COURT STAFF) (Filed on 4/20/2021) (Entered: 04/20/2021)</p>
04/21/2021	10	<p>ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Edward M. Chen for all further proceedings. Magistrate Judge Thomas S. Hixson no longer assigned to case, Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras.. Signed by The Clerk on 4/21/21. (Attachments: # 1 Notice of Eligibility for Video Recording)(haS, COURT STAFF) (Filed on 4/21/2021) (Entered: 04/21/2021)</p>
04/30/2021	11	<p>CASE MANAGEMENT CONFERENCE ORDER IN REASSIGNED CASE: Initial Case Management Conference set for 7/1/2021 09:30 AM in San Francisco, - Videoconference Only. Joint Case Management Statement due by 6/24/2021. Signed by Judge</p>

		Edward M. Chen on 4/30/2021. (afmS, COURT STAFF) (Filed on 4/30/2021) (Entered: 05/02/2021)
06/25/2021	<u>12</u>	<p>CLERK'S NOTICE RESCHEDULING INITIAL CASE MANAGEMENT CONFERENCE FROM 7/1/2021 TO 9/7/2021 AT 9:30AM: Initial Case Management Conference set for 7/1/2021 is vacated and rescheduled for 9/7/2021 09:30 AM in San Francisco, - Videoconference Only. This proceeding will be held via a Zoom webinar. Joint Case Management Statement due by 8/31/2021.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/emc</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>Case Management Statement due by 8/31/2021. Initial Case Management Conference set for 9/7/2021 09:30 AM in San Francisco, - Videoconference Only. (This is a text-only entry generated by the court. There is no document associated with this entry.)(afmS, COURT STAFF) (Filed on 6/25/2021) (Entered: 06/25/2021)</p>
06/29/2021	<u>13</u>	SUMMONS Returned Executed by One Fair Wage, Inc.. Darden Restaurants Inc. served on 6/29/2021, answer due 7/20/2021. (Harrow, Jason) (Filed on 6/29/2021) (Entered: 06/29/2021)
06/29/2021	<u>14</u>	CERTIFICATE OF SERVICE by One Fair Wage, Inc. <i>For Standing Orders</i> (Harrow, Jason) (Filed on 6/29/2021) (Entered: 06/29/2021)
07/20/2021	<u>15</u>	MOTION to Dismiss for Lack of Jurisdiction (<i>Personal</i>) <i>And Improper Venue and the Memorandum of Points and Authorities In Support Thereof</i> filed by Darden Restaurants Inc.. Motion Hearing set for 8/26/2021 01:30 PM in San Francisco, Courtroom G, 15th Floor before Judge Edward M. Chen. Responses due by 8/3/2021. Replies due by 8/10/2021. (Attachments: # <u>1</u> Proposed Order)(Braham, Christopher) (Filed on 7/20/2021) (Entered: 07/20/2021)
07/20/2021	<u>16</u>	MOTION to Dismiss <i>for Failure to State a Claim Upon Which Relief Can be Granted and the Memorandum of Points and Authorities in</i>

		<i>Support Thereof</i> filed by Darden Restaurants Inc.. Motion Hearing set for 8/26/2021 01:30 PM in San Francisco, Courtroom G, 15th Floor before Judge Edward M. Chen. Responses due by 8/3/2021. Replies due by 8/10/2021. (Attachments: # 1 Proposed Order)(Braham, Christopher) (Filed on 7/20/2021) (Entered: 07/20/2021)
07/20/2021	17	MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter</i>) and the <i>Memorandum of Points and Authorities in Support Thereof</i> filed by Darden Restaurants Inc.. Motion Hearing set for 8/26/2021 01:30 PM in San Francisco, Courtroom G, 15th Floor before Judge Edward M. Chen. Responses due by 8/3/2021. Replies due by 8/10/2021. (Attachments: # 1 Proposed Order)(Braham, Christopher) (Filed on 7/20/2021) (Entered: 07/20/2021)
08/03/2021	18	OPPOSITION/RESPONSE (re 16 MOTION to Dismiss <i>for Failure to State a Claim Upon Which Relief Can be Granted and the Memorandum of Points and Authorities in Support Thereof</i> , 17 MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter</i>) and the <i>Memorandum of Points and Authorities in Support Thereof</i> , 15 MOTION to Dismiss for Lack of Jurisdiction (<i>Personal</i>) And <i>Improper Venue and the Memorandum of Points and Authorities In Support Thereof</i>) filed by One Fair Wage, Inc.. (Attachments: # 1 Proposed Order)(Harrow, Jason) (Filed on 8/3/2021) (Entered: 08/03/2021)
08/03/2021	19	MOTION for leave to appear in Pro Hac Vice <i>for Ryan Nelson, Esq.</i> (Filing fee \$ 317, receipt number 0971-16246583.) filed by One Fair Wage, Inc.. (Attachments: # 1 Exhibit Certificate of Good Standing)(Harrow, Jason) (Filed on 8/3/2021) (Entered: 08/03/2021)
08/04/2021	20	ORDER by Judge Edward M. Chen granting 19 Motion for Pro Hac Vice. (afmS, COURT STAFF) (Filed on 8/4/2021) (Entered: 08/04/2021)
08/04/2021	21	NOTICE of Appearance by Ryan Heath Nelson (Nelson, Ryan) (Filed on 8/4/2021) (Entered: 08/04/2021)
08/10/2021	22	REPLY (re 16 MOTION to Dismiss <i>for Failure to State a Claim Upon Which Relief Can be Granted and the Memorandum of Points and Authorities in Support Thereof</i> , 17 MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter</i>) and the <i>Memorandum of Points and Authorities in Support Thereof</i> , 15 MOTION to Dismiss for Lack of Jurisdiction (<i>Personal</i>) And <i>Improper Venue and the Memorandum of Points and Authorities In Support Thereof</i>) filed by Darden Restaurants Inc.. (Braham, Christopher) (Filed on 8/10/2021) (Entered: 08/10/2021)

08/10/2021	23	Request for Judicial Notice re 22 Reply to Opposition/Response,, filed by Darden Restaurants Inc.. (Related document(s) 22) (Braham, Christopher) (Filed on 8/10/2021) (Entered: 08/10/2021)
08/12/2021	24	MOTION for Leave to File <i>Surreply Brief</i> filed by One Fair Wage, Inc.. (Attachments: # 1 Surreply Brief, # 2 Exhibit Email Exchange, # 3 Proposed Order)(Harrow, Jason) (Filed on 8/12/2021) (Entered: 08/12/2021)
08/16/2021	25	OPPOSITION/RESPONSE (re 24 MOTION for Leave to File <i>Surreply Brief</i>) filed by Darden Restaurants Inc.. (Braham, Christopher) (Filed on 8/16/2021) (Entered: 08/16/2021)
08/18/2021	26	STIPULATION WITH PROPOSED ORDER re 12 Clerk's Notice,,,,, Util - Teleconference Zoom,,,,, <i>To Continue Initial Case Management Conference</i> filed by Darden Restaurants Inc.. (Attachments: # 1 Proposed Order)(Braham, Christopher) (Filed on 8/18/2021) (Entered: 08/18/2021)
08/18/2021	27	ORDER GRANTING 26 STIPULATION OF ALL PARTIES TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE. Joint Case Management Statement due by 11/2/2021. Initial Case Management Conference set for 11/9/2021 01:30 PM in San Francisco, - Videoconference Only. Signed by Judge Edward M. Chen on 8/18/2021.(afmS, COURT STAFF) (Filed on 8/18/2021) (Entered: 08/18/2021)
08/21/2021	28	<p>CLERKS NOTICE SETTING ZOOM HEARING. Motion Hearing set for 8/26/2021 01:30 PM in San Francisco, - Videoconference Only before Judge Edward M. Chen. This proceeding will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/emc</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>16 MOTION to Dismiss <i>for Failure to State a Claim Upon Which Relief Can be Granted and the Memorandum of Points and Authorities in Support Thereof</i>, 17 MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter</i>) and the Memorandum of Points and</p>

		<p><i>Authorities in Support Thereof, 15 MOTION to Dismiss for Lack of Jurisdiction (Personal) And Improper Venue and the Memorandum of Points and Authorities In Support Thereof. Motion Hearing set for 8/26/2021 01:30 PM in San Francisco, - Videoconference Only before Judge Edward M. Chen. (Related documents(s) 16 , 17 , 15) (This is a text-only entry generated by the court. There is no document associated with this entry.) (afmS, COURT STAFF) (Filed on 8/21/2021) (Entered: 08/21/2021)</i></p>
08/26/2021	29	<p>Minute Entry for proceedings held before Judge Edward M. Chen:</p> <p>Motion Hearing held on 8/26/2021; taking under submission 15 Motion to Dismiss for Lack of Jurisdiction; 16 Motion to Dismiss; 17 Motion to Dismiss for Lack of Jurisdiction. Order to issue.</p> <p>Total Time in Court: 35 Minutes. Court Reporter: Debra Pas.</p> <p>Plaintiff Attorney: Ryan Nelson. Defendant Attorney: Chris Braham.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.) (afmS, COURT STAFF) (Date Filed: 8/26/2021) (Entered: 08/29/2021)</i></p>
09/14/2021	30	<p>ORDER by Judge Edward M. Chen Granting in Part and Denying in Part 15 16 17 Defendant's Motions to Dismiss. (emcsec, COURT STAFF) (Filed on 9/14/2021) (Entered: 09/14/2021)</p>
09/14/2021	31	<p>JUDGMENT. Signed by Judge Edward M. Chen on 9/14/2021. (afmS, COURT STAFF) (Filed on 9/14/2021) (Entered: 09/14/2021)</p>
10/12/2021	32	<p>NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by One Fair Wage, Inc.. Appeal of Judgment 31 , Order on Motion to Dismiss/Lack of Jurisdiction,,, Order on Motion for Leave to File 30 (Appeal fee of \$505 receipt number 0971-16488704 paid.) (Attachments: # 1 Supplement Form 6)(Harrow, Jason) (Filed on 10/12/2021) (Entered: 10/12/2021)</p>

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