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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.<sup>1</sup>

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.

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<sup>1</sup> 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.

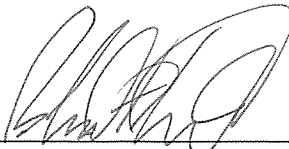
This Court's opinion is of significant interest to amici because many of their members do business in California and the Court's opinion adopts a novel interpretation of California's rest break requirement that has not to amici's knowledge been endorsed by any other appellate court. As recognized in 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.  
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ROBERT H. WRIGHT

By: \_\_\_\_\_



Robert H. Wright

Attorneys for Amici Curiae  
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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.

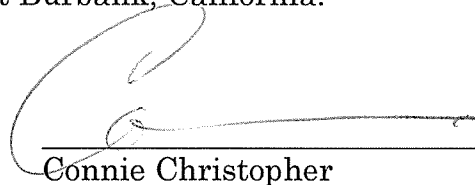
On January 12, 2017, I served true copies of the following document(s) described as **AMICI CURIAE LETTER IN SUPPORT OF PETITION FOR REHEARING** on the interested parties in this action as follows:

**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

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**S224853**

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Case No.: B243788  
*via Electronic Submission*

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Los Angeles, CA 90005

Superior Court Case No.:  
BC336416