

## Three Takeaways from the Ninth Circuit's Meal and Rest Break Ruling

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The Ninth Circuit's blessing of a US Department of Transportation finding that California's meal and rest break rules are preempted and cannot be applied to interstate commercial truckers reinforced Chevron deference and bolstered business' efforts to clamp down on class action litigation.

Dealing a blow to labor officials, a unanimous Ninth Circuit panel composed of two Democratic and one Republican appointees found that the Federal Motor Carrier Safety Administration's determination that California's meal and rest break rules conflicted with federal regulations governing motor carrier driver hours of service and unduly burdened interstate commerce.

Ron Leibman, head of McCarter & English's Transportation, Logistics & Supply Chain Group, stated that the Ninth Circuit's decision was based on "incredibly solid law" and as a result that it would be difficult for the new administration to overturn the results.

"The FMCSA wasn't going beyond its realm. It was only saying [California's MRB rules don't apply to] commercial interstate truck drivers — it's not saying what people in a diner should do," Leibman told Law360. "The FMCSA did a good job of explaining its reasoning. The Biden administration has bigger issues to deal with, and even with its pro-labor bent, this is not the biggest transportation issue it has."