

# Restaurant consultant Cyrus Batchan comments on Troester v. Starbucks, whether de minimis doctrine under FLSA applies

*The California Supreme Court pondered whether the de minimis rule of the federal FLSA applied to unpaid wage claims in California. Cyrus Batchan reviews.*

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/EINPresswire.com/ -- In his new article, hospitality consultant [Cyrus Batchan](#) reviews a case of importance to wages paid in the hospitality industry, whether the de minimis doctrine under the federal Fair Labor Standards Act applies to unpaid wages claims under California labor laws. The complete article will be available on [Mr. Batchan's](#) blog at <https://cyrusbatchan.blogspot.com/>



Nightshade restaurant, Cyrus Batchan, Consultant

The factual background of the case is laid out in the opinion: “On August 6, 2012, plaintiff Douglas Troester filed the original complaint in an action in Los Angeles County Superior Court on behalf of himself and a putative class of all nonmanagerial California employees of defendant Starbucks Corporation (Starbucks) who performed store closing tasks from mid-2009 to October 2010. Troester worked for Starbucks as a shift supervisor. Starbucks removed the action to federal district court and moved for summary judgment on the ground that Troester’s uncompensated time was so minimal that Starbucks was not required to compensate him. Troester submitted evidence that during the alleged class period, Starbucks’s computer software required him to clock out on every closing shift before initiating the software’s ‘close store procedure’ on a separate computer terminal in the

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*Cyrus Leon Batchan, Business Consultant in Sherman Oaks*

back office. The close store procedure transmitted daily sales, profit and loss, and store inventory data to Starbucks’s corporate headquarters. After Troester completed this task, he activated the alarm, exited the store, and locked the front door. Troester also submitted evidence that he walked his coworkers to their cars in compliance with Starbucks’s policy. In addition, Troester submitted evidence that he occasionally reopened the store to allow employees to retrieve items they left behind, waited with employees for their rides to arrive, or brought in store patio furniture mistakenly left outside.”

District Court found that over a 17-month period, Troester worked an additional 12 hours and 50

minutes, little over a \$100 worth at a minimum wage of \$8 per hour. Thus, the district court ruled that de minimis doctrine applied and granted summary judgment in favor of Starbucks. On appeal, the Ninth Circuit certified the question to the California Supreme Court, whether federal FLSA de minimis doctrine was recognized under California law and whether California wage law had its own de minimis doctrine.

The California Supreme Court first concluded that neither California statute nor Industrial Wage Commission wage orders adopted federal de minimis doctrine for California wage claims. As to whether California law recognizes its own form of de minimis exception to wage laws, the Court noted that “application of a de minimis rule is inappropriate when ‘the law under which this action is prosecuted does care for small things.’” The Court went on to explain that “the regulatory scheme of which the relevant statutes and wage order provisions are a part is indeed concerned with ‘small things.’” Therefore, the de minimis rule did not apply to unpaid wage claims in California.

The case is *Troester v. Starbucks Co.*, S234969.

\*\*\* [Cyrus Leon Batchan](#) is a business consultant in Sherman Oaks, California. He has significant “hands on” experience with hospitality businesses. Currently, he is involved in the hospitality businesses Lock & Key, Nightshade, Skylight Nha Trang, and East-West Brewery (as Advisor). Mr. Batchan grew up in a restaurant family and worked every job from dishwasher, cook, delivery driver to bartender. Initially, he managed an investment fund developing real estates all throughout the greater Los Angeles Area. In 2013, he opened Lock & Key, an upscale lounge, in Los Angeles. Most recently, he has been involved in Nightshade, the first restaurant for Top Chef winner Mei Lin along with partner Francis Miranda of N°8. The expansive space, which goes into the former Cerveteca, will feature a pan-Asian menu infused with modern touches and California sensibilities, with Lin herself calling the experience “fine food in a casual setting.” Think fine dining touches and plating with flavor influences from Italy, Japan, and China.

<https://cyrusbatchan.us>  
<https://cyrusbatchan.blogspot.com/>  
<https://nightshadela.com/>



Cyrus Batchan at Lock&Key in California (Hollywood Reporter picture)



Cyrus Batchan, photograph by VoyageLA

<https://la.eater.com/2018/12/17/18145019/los-angeles-restaurant-openings-2019>  
<https://la.eater.com/2018/12/20/18150455/nightshade-mei-lin-arts-district-restaurant-los-angeles-opening-photos>  
<https://www.tastethedram.com/single-post/2017/03/13/lock-and-key/>  
<https://hype.news/cyrus-batchan/>  
<https://solomonlawguild.com/cyrus-batchan>  
<https://www.linkedin.com/in/cyrus-batchan-a53916168>

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The image shows two screenshots of a website. The top screenshot is an article from VoyageLA titled "Meet Cyrus Batchan and Francis Miranda of N°8 in Downtown". It features a photo of two men sitting in chairs. The bottom screenshot is a blog page for Cyrus Batchan, titled "Cyrus Batchan, business consultant in Sherman Oaks, California". It includes a search bar, a navigation menu with "Home", and an "About Me" section with a profile picture and text describing him as a business consultant in Sherman Oaks, California.

Cyrus Batchan, article in VoyageLA about restaurant endeavors

Blog of Cyrus Batchan, Sherman Oaks, California

This press release can be viewed online at: <http://www.einpresswire.com>

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