

WAGE & HOUR LITIGATION

Our lawyers are nationally recognized for their representation of business clients facing challenges to their wage and hour practices, whether it is the context of a governmental investigation, a single-plaintiff action, or a multi-plaintiff nationwide collective action or class action.

TREND TOWARD INCREASED WAGE & HOUR LITIGATION

Recent trends in court filings indicate that the pursuit of multi-plaintiff actions challenging a company's wage and hour practices has increased in recent years, with the number of filings expected to remain at a high level. Businesses large and small, across industries, may find themselves facing a wage and hour lawsuit.

EXPERIENCE COUNTS

Wage and hour law can be full of pitfalls, especially for businesses that operate in several states or nationwide. Applying sometimes arcane laws to modern day business and technology can be daunting and mistakes can be costly. With so much at stake, experience counts. We have experience representing clients on all fronts of wage and hour litigation - from investigations by the Department of Labor or state agencies to defending against multi-plaintiff nationwide lawsuits.

SUCCESSFULLY DEFENDING AGAINST A NOVEL MULTI-PLAINTIFF CLAIM

- **Client:** A \$35 billion company.
- **Issue:** The Plaintiffs sought to bring a nationwide collective action under the FLSA and a state-wide class action under state law.
- **Challenges:** The case involved allegations that the company had a “de facto” unwritten policy of requiring its retail store employees to work “off-the-clock.”
- **Outcome:** Denial of a motion for conditional certification of the collective action under the FLSA, and denial of a motion for certification of the state-wide class action under Rule 23.
- **Our approach and staffing:** Our ability to acquire a keen understanding of the operations of our client's business, at both policy and functional levels, enabled us to present substantial evidence that no “de facto” unlawful

policy existed. Developing a detailed understanding of the operations of our client's business at an early stage in the litigation led to the court's determination that the plaintiff's allegations of an unlawful policy were wholly unfounded. This defense was primarily staffed with two partners and two associates.

A COMPREHENSIVE STRATEGY

When a company faces a challenge to its wage and hour practices, the challenge will often come on many fronts simultaneously. The federal Fair Labor Standards Act (FLSA) allows for collective actions, and state law may impose additional wage and hour requirements and allow for class actions.

Developing a strategy for managing a multi-front challenge requires a sophisticated legal strategy that is based on experience and on a solid understanding of the policies or practices at issue; that is flexible to changes in the law and circumstances; and, most importantly, that focuses at all times on the client's goals for resolving the litigation. Our lawyers have successfully implemented many such strategies.

MEDIATION & SETTLEMENT

Mediation and settlement of wage and hour cases can be just as daunting as litigation. Our lawyers have successfully settled cases involving thousands of class members with millions of dollars at stake. Given the complexities that accompany settlement in such a high-stakes environment, often involving multiple lawsuits, claims, and venues, it is critical to have an attorney who is specifically experienced in settlement and post-settlement issues unique to multi-plaintiff cases. Our lawyers are nationally recognized for their skill in settling complex wage and hour matters.