
WAGE AND HOUR LITIGATION

STEVEN F. GRIFFITH, JR.

LOUISIANA

- Defended a restaurant franchisor against a class action brought by employees of franchisee, alleging wage violations associated with tip pooling policy. The suit was premised on the theory that the franchisor jointly employed the franchisee's employees, and the suit sought to represent hundreds of workers. All claims against the franchisor were dismissed via Motion for Summary Judgment.
- Defended a contractor against two nationwide collective actions under the Fair Labor Standards Act and companion state law class actions, alleging wage and hour violations by subcontractors. The suits were premised on theory that the general contractor jointly employed the subcontractors' workforce, and the suits sought to represent tens of thousands of workers throughout the United States. The class actions were dismissed with prejudice, and the plaintiffs' attempts to conditionally certify the FLSA collection were defeated. The case settled with no out-of-pocket payment of money by the client, and all the client's fees were paid by third parties to the suit.
- Defended a shipyard against company-wide collective action under the FLSA, alleging donning and doffing violations. The plaintiffs sought to pursue claims on behalf of more than 10,000 current and former employees of the shipyard, but the attempt to conditionally certify the FLSA collection was defeated. The case settled for nominal amounts against the named plaintiffs.
- Defending a satellite television provider against a nationwide collective action under the FLSA and companion state law class actions, alleging wage and hour violations by first and second tier subcontractors to the client. The suit is premised on the theory that the provider jointly employed the first and second tier subcontractor's technicians, and the suit sought to represent over 43,000 technicians throughout the United States. The class action claims were dismissed. After conditional certification, discovery, and Motion practice, the plaintiffs agreed to voluntarily decertification and entry of an order prohibiting the technicians from joining or filing any additional collective or class actions against the provider. Defense of the claims of the four named plaintiffs is ongoing.

FLORIDA

- Defended a contractor against two state-wide collective actions under the FLSA, alleging wage and hour violations by subcontractors. The suits were premised on the theory that the general contractor jointly employed the subcontractors' workforce, and the suits sought to represent thousands of workers throughout Florida. The plaintiffs' attempts to conditionally certify the FLSA collection were defeated, and the cases were settled for nominal amounts.

MICHIGAN

- Defended a contractor in a copy-cat nationwide collective action under the FLSA and companion state law class actions, alleging wage and hour violations by subcontractors. The suit was premised on theory that the general contractor jointly employed the subcontractors' workforce, and the suit sought to represent tens of thousands of workers throughout the United States. Over the plaintiffs' objections, the suit was transferred to Louisiana, where an attempt for conditional certification was defeated. The claims of the plaintiffs were then settled for nominal amounts.

TEXAS

- Defending two inland tank barge companies against nationwide collective actions under the FLSA, alleging misclassification of personnel as exempt. In the first suit, the plaintiff sought to represent hundreds of employees, but the collective action was voluntarily decertified by the plaintiffs after discovery. In the second suit, the plaintiff seeks to represent hundreds of employees, but the case is in its infancy. Defense of the cases is ongoing.

VIRGINIA

- Defended a contractor against nationwide collective action under the FLSA alleging misclassification of office personnel as exempt. The plaintiffs sought to represent hundreds of employees across the United States, but they voluntarily decertified the action after the opt-in plaintiffs were dismissed via Motion practice. The two original plaintiffs' claims were settled for nominal amounts.

Baker Donelson's Labor and Employment Litigation Experience

