

Employment/Class Actions



Our deep team has an impressive record in high-exposure class, FLSA collective, and mass actions—including employee misclassification claims where our victories have protected not just clients' finances but their business models. We also handle complex wage-and-hour cases and high-stakes individual employment cases involving claims of retaliation and discrimination—often involving senior leaders or significant reputational exposure. Our clients include companies in media, aerospace, transportation, and other industries, as well as government bodies.

As lead counsel and national coordinating strategist for one of the nation's largest shippers, we:

- Defeated ten out of ten class or collective actions
- Won in plaintiff-friendly jurisdictions
- Defeated nationally-recognized plaintiff firms
- Obtained decertification of one of the largest FLSA collectives in history

We have also won FLSA collectives and Rule 23 class actions for healthcare providers, claims administrators, financial services companies, and others. Our victories have also prevented bad precedent that would harm other employers.

Clients often hire us as replacement counsel when they need a more aggressive approach to class and collective actions, including in discovery; however, we encourage clients to seek out WTO first for complex and high-exposure cases as it saves clients money in the long term.

One major client said our team does “absolutely first-rate work all the way around” and “no firm in the country could do better.” Others have told Chambers our team has an “excellent understanding of our clients’ business models” and “great strategic vision.”

“No firm in the country could do better.”

– Client Comment

Cases

EMPLOYMENT/CLASS ACTIONS

Won decertification of an FLSA collective with 1,300 opt-ins spread over nine states, which had been conditionally certified before we took over the case. The claim against our global healthcare provider client was for overtime due to alleged missed meal breaks.

Defended a national space and satellite company against claims of fraud, negligence, and violations of Colorado non-compete statutes, leading to a successful resolution of the matter.

Went 10-for-10 defeating class and collective actions throughout the nation for a Fortune 500 company. The streak included obtaining decertification of one of the largest FLSA collectives in the history of the U.S.

Obtained decertification of an FLSA conditional collective that had been certified before we took over the case. After the decertification decision was issued, lawyers for the plaintiffs conceded that another pending nationwide case—which we also were defending—should be decertified as well.

Defeated certification in California federal court of a putative class of more than 5,000 who accused our shipping company client of both misclassification and joint employment and sought recovery under a variety of California federal wage and hour laws.

After taking over a case alleging racial and gender discrimination, retaliation, and First Amendment violations, defeated the plaintiff’s motion for preliminary injunction based on full briefing and a one-day hearing.

In a racial discrimination, retaliation, and First Amendment case, in a compressed time period, obtained a full win on critical issues for the client. Also obtained a sanctions award after hundreds of pages of briefing and exhibits, and a lengthy hearing.

Won a directed verdict on a Colorado Wage Claim Act claim and secured voluntary dismissal of defamation and punitive damages claims for a large regional bank the night before closing arguments in a five-day jury trial after four-plus years of litigation.

Defeated certification of two putative classes of almost 30,000 California claimants alleging that our client was a joint employer and liable for a number of California wage and hour law violations.

Defeated certification of a putative class of California claimants alleging our client was a joint employer, seeking compensation for purported “off-the-clock” work. The California state trial court judge agreed with our arguments that the plaintiff’s “common” evidence did not show joint employment under California law.

Won a motion to strike a California Labor Code Private Attorneys General Act (“PAGA”) representative claim in federal court for alleged meal break violations where our client was a purported joint employer.

Successfully negotiated a nuisance value settlement in a putative class action for overtime wages in federal court in Illinois, before our client had to incur any substantial fees or costs in discovery or for significant briefing.

Defeated Rule 23 class certification of state law overtime claims in federal court in New Mexico for an international shipping company.

Defeated certification of a putative class of 20,000 California claimants alleging that our client was a “joint employer” and was liable for unpaid overtime and other wage-and-hour violations.

Won complete summary judgment of all seven claims brought against our commercial client in an employment matter involving unsupported allegations of wrongful termination, retaliation, and age discrimination.

Won a complete defense verdict following a week-long jury trial rejecting the plaintiff's claim of employment discrimination by a federal agency.

Won a week-long arbitration for a Fortune 50 company against a former supplier that brought improper termination and breach of contract claims and sought more than \$1 million in damages.

Won dismissal with prejudice in a putative wage-and-hour class action in Kentucky. After defeating the plaintiff's attempt to obtain nationwide discovery against our client, we then filed a summary judgment motion on the plaintiff's claims. Rather than opposing the motion, the plaintiff agreed to dismiss his claims with prejudice.

Won summary judgment for a multinational corporation in a putative class action dealing with independent contractor misclassification issues in New Mexico, thereby ending over two years of litigation. The court denied the plaintiff's motion for class certification as moot.

Obtained dismissal of all claims against University of Colorado Hospital Authority in a whistleblower case filed in district court in Colorado Springs.

Won a defense jury verdict in federal court for a Fortune 500 telecommunications client facing age discrimination and retaliation claims.

Contacts

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