

SIGNATURE

RESOLUTION

HON. TRICIA BIGELOW CASE LIST

Wage & Hour

Edwards v. Heartland Payment Systems, Inc.

11/30/2018

29 Cal.App.5th 725

Employee filed class action lawsuit against employer for wage and hour violations. Following entry into proposed class action settlement, employee amended the complaint to encompass claims asserted by other employees in subsequent putative class action alleging similar wage and hour violations. The trial court denied other employees' motion to intervene. Proposed interveners appealed, arguing they were entitled to mandatory intervention, and the trial court abused its discretion in denying permissive intervention.

United Parcel Service Wage & Hour Cases

6/2/2011

196 Cal.App.4th 57

Employees sued employer seeking statutory premium payments for employer's alleged failure to provide meal and rest periods mandated by Industrial Welfare Commission's wage order. Employer filed motion for pretrial determination that only one premium payment was allowable per work day. The trial court entered order ruling that up to two premium payments were allowable per workday. Employer petitioned for writ of mandate.

Futrell v. Payday California, Inc.

12/16/2010

190 Cal.App.4th 1419

Worker brought class action against payroll processing company which operated in the local television commercial production industry, alleging violations of sections of the Labor Code and the federal Fair Labor Standards Act (FLSA) by failing to pay overtime for crowd control services which worker performed during a commercial shoot. Company moved for summary adjudication, asserting it was not the worker's employer. The trial court granted company's motion. Worker appealed, arguing payroll companies can be employers, employees can have more than one employer, payroll company performed functions typical of an employer, and payroll company exercised control over worker's wages and hours.