



Hon. JAMES J. MCBRIDE (Ret.)
Mediator | Arbitrator | Private Judge | Discovery Referee

Representative Cases

CLASS ACTIONS

- Class action lawsuit on behalf of patients who received treatment at a hospital. Plaintiffs claimed that certain insurance carriers whose insureds received emergency medical care at the hospital reimbursed the city only for what the carrier determined was the “usual and customary” value of the services provided rather than for the actual cost of services provided as determined by the Department of Public Health. The class members were those insureds who had collection efforts made against them by the City. Class members alleged that the failure to pay the full value for emergency services was in violation of the Knox Keene Act.
- Class action brought by employees of a major technology company. Plaintiffs were retail store employees who provided technical customer service. The lawsuit was for claimed schedule and regulations that did not permit them to take meal and rest breaks. Class certification was denied.
- Class action on behalf of salesmen/technician employees of a large copier company. Class members alleged that they were improperly classified as management employees and thus had been deprived of overtime pay and meal and rest breaks.
- Class action brought on behalf of over 1,000 former and/or retired municipal railway employees. In 1984, the city settled an hourly wage dispute with transit operators. The settlement, reached in August, called for retroactive raises back to March of that same year. When it came

time to pay, the city attorney claimed that because the fiscal year had closed on June 30, the retroactive increase for the period of March through June could not be paid as wages.

An agreement was reached with the union to pay the full amount to a trust fund maintained for the benefit of the railway employees. The money then sat there until 2010 when the trust was dissolved. The board of the trust then paid the money out to certain employees but excluded certain of the former and/or retired railway employees who had worked during the three month period at issue. The trust instrument gave the board wide discretion to spend funds.

Class members, all former or retired railway employees who had worked during the three month period at issue, claimed that the money was clearly intended to be paid as wages and sued board members for breach of fiduciary duty.