



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

## **Representative Cases**

### **WAGE & HOUR**

- 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.

- Several other wage & hour cases involving single employees or small groups of employees who asserted violations of labor code such as failure to pay overtime and failure to permit meal and rest breaks