

Successfully Transferred Matter from Tennessee Federal Court to Pennsylvania Federal Court Following Plaintiffs' Depositions and Opposition to Motion for Class Certification

Winston represented a national food manufacturer in a putative state law class action and federal collective FLSA action filed by Tennessee-based independent contractors alleging misclassification under FLSA and various state law contract claims. Despite a forum-selection clause and choice of law provision in the independent contractor agreement naming Pennsylvania law and courts as the proper forum and jurisdiction, plaintiffs brought the action in federal court in Tennessee. Winston successfully transferred the matter to the federal court in Pennsylvania. After taking numerous depositions of the named plaintiffs and drafting an opposition to the motion for conditional certification of the nationwide class, Winston resolved the case favorably for the client, limiting the settlement to the Tennessee state class and existing opt-ins only.

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