

## Prevailed on Demurrer and Opposition to Motion for Leave to Amend in Wage and Hour/PAGA Class Action

Winston represented a subsidiary of a major foodservice distributor in a wage and hour/PAGA class action, alleging our client's facility had a practice of failing to provide third rest periods when the plaintiff or a class member worked a shift over 10 hours, with all other claims derivative of the underlying rest period claim. Winston prevailed on a demurrer as to the plaintiff's claim for inaccurate wage statements, arguing that meal and rest period premiums could not support such a claim. Additionally, we prevailed on opposing the plaintiff's Motion for Leave to Amend to add a cause of action for waiting time penalties on the same underlying rest period claim, arguing the amendment would be futile. Subsequently, Winston resolved the matter favorably for the client.

1 Min Read

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### Related Capabilities

Labor & Employment

### Related Professionals

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Joan Fife



Emilie Woodhead