

Used Plaintiff's Own Admissions in Deposition to Undercut Plaintiff's Claims in Wage & Hour Class/Collective Action

Winston negotiated extremely favorable settlement for a major national bank and one of its subsidiaries in a wage and hour collective and class action filed in the Central District of California on behalf of residential and review appraisers. Plaintiff alleged these employees, who provided home appraisals, were misclassified as exempt employees and therefore did not earn overtime pay or meal and rest period premiums, despite working overtime hours and allegedly being denied meal and rest breaks. Plaintiff further alleged that, following reclassification as non-exempt employees, the bank continued to underpay appraisers for overtime and failed to provide meal and rest periods. Winston took a successful deposition of plaintiff, gaining admissions that undercut his claims that he worked overtime and showed that he could take meal and rest breaks. At mediation, Winston was able to use these admissions and other evidence concerning individualized issues to negotiate a favorable settlement for the bank.

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