

Winston Successfully Represents the California Gaming Association

AUGUST 9, 2010

On August 9, 2010, the California Supreme Court issued its opinion in *Lu v. Hawaiian Gardens*, finding that there is no private right to sue under Labor Code Section 351, which regulates the handling of gratuities in the work place. Winston & Strawn represented the California Gaming Association as *amicus curiae* in this matter.

Although “tip pooling,” which is a system of sharing tips among the various employees who contribute to customer service, has been recognized in California and other states as an important tool for ensuring that tips left by patrons are shared equitably among all deserving employees, many class actions have challenged this practice. Member casinos of the California Gaming Association have been sued in class actions across the State of California on the theory that tip pooling is unlawful and violates Labor Code Section 351. The California Supreme Court sided with Winston in the case of *Lu v. Hawaiian Gardens*, involving the member casinos, finding that Section 351 does not provide a private right to sue.

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