

Class & Collective Action Defense

Defending Businesses in Class and Collective Actions

The lawyers in Kaufman Dolowich's Labor and Employment Law practice manage and litigate class and collective actions involving a full range of employment law matters, including wage and hour/FLSA. We are an aggressive team of attorneys focused on achieving exceptional outcomes in what are usually complex, high-stakes employment cases. Recognizing that class and collective actions can bankrupt a company, our lawyers take quick and decisive action aimed at protecting our clients' businesses from potentially disastrous exposure to liability.

Assessing Potential Risks and Exposure

When a class or collective action surfaces, Kaufman Dolowich's Labor and Employment Law attorneys immediately assess the situation to determine our a client's level of exposure. The underlying facts of the claim are thoroughly investigated and all pertinent statutes, regulations and case law that may be relevant to the case are comprehensively analyzed. If it is determined that a client is at a high risk for substantial exposure, we will work with the client to develop a plan for early resolution. Certain cases, such as wage and hour disputes and employment law cases involving alleged discrimination, often lend themselves to alternative dispute resolution (ADR), such as mediation or arbitration. When it is determined that ADR is a viable option for a client, a Labor and Employment Law attorney at our firm will compare the potential costs and risks associated with mediation verses litigation, so that the client has the information needed to make a sound legal and business decision.

Providing a Solid and Aggressive Defense

When a labor and employment law case cannot be settled informally through negotiation or mediation, we are fully prepared to litigate the matter in state and federal court. We know that wage and hour practices and policies are often an easy target for collective actions because they potentially involve large groups of employees who can be easily identified and certified as a collective. Additionally, in our defense of collective actions, we remain mindful that such actions offer plaintiffs the opportunity to collect liquidated damages, along with owed wages, attorney's fees and costs should they prevail in the case.

Beyond challenging the merits of the claim, our lawyers will also work to limit the size and scope of the potential collective or class of employees. In some cases, we may be able defeat the motion for class certification or collective action or assert a strong procedural defense to the claim. Regardless of the stage of the proceedings, our objective is to aggressively defend our clients and work towards achieving an outcome that best protects their legal, business and financial interests.