

California Class Action

PRACTICE GROUP

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.



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California cases are unique and demand special experience. We have assembled an outstanding team of California class and collective action practitioners to handle our clients' most complex employment cases.

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REAL EXPERIENCE. QUANTIFIABLE RESULTS.

The members of our *California Class Action Practice Group* have litigated hundreds of class, collective, hybrid, and multi-jurisdictional lawsuits. Most of our cases are staffed by an attorney team with members who, collectively, have handled at least 20 class or collective actions. Our attorneys have a remarkable record of defeating certification and have significant experience taking these cases to trial. We also draw on the knowledge of some of the most influential thought leaders in wage and hour law. But more important than pedigree is proof of results.

When faced with “bet the company” litigation, every company has its own definition of success. Employers that want to defeat a case outright can look to our impressive history of defeating class certification and success at trial. Employers seeking an early and inexpensive settlement can rest assured that our aggressive reputation gives us the credibility necessary to leverage outstanding deals. Regardless of your definition of success, we track the outcomes of our cases based on specific metrics that will help you make an “apples to apples” comparison of how closely our successes track the results you want to achieve.

CALIFORNIA LAWYERS HANDLING CALIFORNIA CASES

The *California Class Action Practice Group* consists of a select group of attorneys located in four offices strategically located throughout California. In addition to experienced litigators and negotiators, our team also draws on policy and enforcement insight provided by the former California Acting Labor Commissioner and Deputy Secretary for Policy and Enforcement of the California Labor and Workforce Development Agency, and the former acting Administrator of the Wage and Hour Division of the U.S. Department of Labor. Our team also consists of a dedicated data analyst with a master’s degree in statistics/engineering.

Although we have the capacity and depth necessary to handle even the largest cases, we work with our clients to ensure our cases are staffed appropriately and efficiently. We do not use complex litigation as a training ground for the uninitiated.

CUSTOMIZED AND CREATIVE STRATEGIES

We do not employ a one-size-fits-all approach. There are many ways to “win” a class/collective action and we avoid using formulaic tactics that may overlook creative solutions.

Our creative, customized approach to litigation extends to fee arrangements as well. Our firm is a leader in offering value billing options, and we work closely with our clients to develop fee arrangements that are tailored to their needs and the realities of each case.

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A UNIQUE APPROACH FOR A UNIQUE STATE

- **The first 20 days.** Our initial case assessment process is unique. We believe that the first 20 days of a lawsuit are a critical window for making decisions that will drive the case, affect the allocation of client resources, and create tactical advantages. Instead of sifting through reams of corporate documents and drafting legal memoranda, we begin the case by providing a detailed exposure/damages analysis and engaging in “outcome testing” to determine the ultimate strengths and weaknesses of each cause of action. To help predict results, we use our staff librarians and extensive Knowledge Management database to gather statistical and anecdotal information relating to the assigned judge, opposing counsel, and outcomes of similar cases.
- **Initial litigation steps.** The initial phases of litigation (e.g., document retention plans, litigation holds, jurisdictional decisions, and responding to the complaint) are not treated in a *pro forma* fashion. We work closely with our clients to develop strategies that conform to the realities of our clients’ needs.
- **Evidence gathering.** We avoid unnecessary expense. We work with our clients to decide if, when, and to what extent it is appropriate to engage in witness interviews, declaration campaigns, statistical samplings, surveys, time/motion studies, or battles over class information. We do not accept the perspective that certain discovery costs are “unavoidable.” We have a world-class ESI team.
- **Leveraging data and statistics.** We embrace data and statistics. With or without the use of experts, we employ data and statistics to make creative arguments against class certification, minimize the expense of the discovery process, analyze settlement values, and identify helpful/harmful witnesses and factual trends.
- **Targeted resolution.** There are multiple ways to “win” a class/collective action. Attacking the pleadings, opposing class certification, filing motions for summary judgment, or seeking decertification are all tools in our arsenal. However, we also are experienced in negotiating and mediating early settlements and in implementing large-scale campaigns to settle with class members individually.
- **“ROI” Analysis.** The success of a business decision is measured against return on investment, and we don’t see why this should be any different with respect to your investment in legal services. We partner with our clients to provide regular, formal ROI reports describing how to most efficiently utilize resources and analyzing whether particular phases of litigation yielded expected dividends. At all stages of litigation we encourage discussion of alternative fee arrangements.
- **Compliance solutions.** We work with our clients to realistically solve wage/hour problems without exacerbating the risk of admitting liability. After cases are resolved, we map out realistic compliance solutions so our clients minimize the risk of future litigation.



With four offices throughout California, the firm represents a diverse range of clients.

We operate efficiently on a national scale without compromising our commitment to service.

PROVEN TRACK RECORD

We are proud of our track record earned over years of class and collective litigation experience in state and federal courts throughout California. We are happy to provide a representative case list of recent matters or, upon request, detailed information regarding our specific experience in particular industries, with particular claims, or in a particular venue.

Ogletree Deakins is one of the nation’s largest labor and employment law firms, representing management in all types of employment-related legal matters.



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