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Ninth Circuit Affirms $54.6 Million Verdict In Favor of Wal-Mart Truckers

California Employment Law Update Blog on **January 14, 2020**

Ridgeway v. Walmart Inc., 2020 WL 55073 (9th Cir. 2020)

In this class action, truckers for Wal-Mart alleged they should have been but were not paid for layovers, rest breaks and inspections. The district court determined and the Ninth Circuit affirmed that the time drivers spent on layovers is compensable if Wal-Mart exercised control over the drivers during those breaks – "Wal-Mart's layover policy imposed constraints on employee movement such that employees could not travel freely and avail themselves of the full privileges of a break." As for the amounts awarded for rest breaks and inspections, the Court held that "Wal-Mart's pay structure impermissibly averaged a trucker's pay within a single hour, when it should have provided separate compensation for rest periods." The Court further held that the district court did not err in certifying a class and allowing representative evidence as proof of classwide damages – including testimony from plaintiffs' expert witness. Finally, the Court held that the district court properly denied liquidated damages to plaintiffs because Wal-Mart had acted reasonably and in good faith. *See also Murphy v. SFBSC Mgmt., LLC*, 2019 WL 6721190 (9th Cir. 2019) (approval of class action settlement involving misclassification of exotic dancers is reversed because notice was "sent only once by mail" and because of "subtle signs of implicit collusion" involving a disproportionate cash distribution to attorneys' fees, etc.).

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