



Genesis Ruling Leaves Employer FLSA Strategy Up In The Air

News

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Christine Howard, managing partner of the Tampa office, was quoted in the April 17 *Law360* article “Genesis Ruling Leaves Employer FLSA Strategy Up In The Air.” The article reported on a U.S. Supreme Court decision which upheld the concept that a wage and hour collective action can be dismissed for lack of subject matter jurisdiction when the named plaintiff’s claim is rendered moot. In the case of *Genesis HealthCare Corp. v. Symczyk* the high court ruled that plaintiff Laura Symczyk’s Fair Labor Standards Act collective action over the company’s automatic meal break deduction policy had been properly dismissed because Symczyk, the only named plaintiff in the suit, no longer had an interest in the case after Genesis made an offer of full relief for her individual claims. The ruling overturned a 3rd Circuit decision that had revived the collective action and found that even though Symczyk’s personal claim had been mooted by the offer, which she did not accept, her claims on behalf of other similarly situated employees had not been. Christine noted: “Genesis could be a game-changer in the sense that it certainly backs up the notion that once an underlying claim is moot, the rest of the collective action fails with it. But whether the game change will last is based on how the lower courts will rule on this issue of the individual’s claims being moot.”

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