



## **Class and Collective Actions**

### *Overview*

**Class and collective actions are the costliest and riskiest types of workplace litigation your business will ever face. When you need to lay it all on the line, you'll want a robust team of litigators on your side.**

The Fisher Phillips Class and Collective Actions Practice Group is a highly experienced collection of accomplished litigators. We are skilled at managing complex litigation that has the potential to be devastating to your business. We devote the time and urgency these matters deserve, bringing all of our skills to bear in order to safeguard your company.

### **PROACTIVE AUDITS OF BUSINESS PRACTICES**

We will help you avoid the impact of class and collective litigation by engaging in a thoughtful and well-focused review of your business practices to identify weak spots. Given that the large majority of class and collective action litigation involves wage and hour claims, we will analyze all of your pay practices, with an emphasis on exemption status, classification of workers, overtime compensation, and meal and rest break compliance. When threatened with a class or collective action, we will develop a damages model to enable you to best determine the most effective and efficient strategy for responding, which could include the strategic elimination of plaintiffs through focused settlements and offers of judgment.

### **CERTIFICATION PROCEEDINGS**

The most critical portion of any class or collective action is the certification proceeding, where the court will determine whether the group of plaintiffs will be allowed to proceed as a class. Winning at this stage will turn the tide of the entire case. Our attorneys are adept at positioning you for victory by developing an advance strategy and working behind the scenes to reach that goal. We gather

favorable testimony through declarations, depositions, and other discovery tactics, all with the aim of preventing class certification. We'll put the adequacy of the class representative to the test and leverage the distinctions between class members, staying one step ahead of the competition.

## CLAIM RESOLUTION THROUGH TRIAL OR SETTLEMENT

Once certification is addressed, we'll help you determine the most effective way to defeat the class or collective action, once and for all. It might be that a form of alternative dispute resolution is the most efficient and effective method for reaching your objective. If it turns out that a trial is necessary, our team of experienced and battle-tested trial attorneys will be by your side to aggressively litigate the case to conclusion.

### Insights

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