

RIW's trial team of Christopher Litterio and Michael Duffy recently won a jury verdict for an international consulting firm in an employment wage and hour action. The case arose as a class action advanced by a former entry level consultant claiming misclassification as an exempt employee and failure to pay overtime wages. Specifically, the Plaintiff employee claimed that entry level associates only performed rote tasks such as typing interview notes and compiling research into spreadsheets and PowerPoint presentations. Our client argued that the employee met the administrative exemption from overtime pay requirements because entry level associates performed important research and analysis requiring significant judgment and discretion.

Through discovery, we were able to develop evidence that Plaintiff's description of his duties and responsibilities was not representative of entry level associates, who typically exercised independent judgment and discretion. As a result, RIW successfully defeated certification of the class in a pretrial motion. At trial, we established that the Plaintiff qualified for the administrative exemption due to the significant amount of judgment and discretion he exercised on a daily basis, resulting in a verdict in favor of our client on all claims after a four day jury trial in Suffolk County Superior Court. The verdict was returned after less than an hour of deliberations.

For more information or questions, contact Chris Litterio at (617) 742-4200 or [cpl@riw.com](mailto:cpl@riw.com).