

COSTCO EMPLOYEES' FEDERAL SUIT MOVES FORWARD
Nationwide Conditional Collective Action Certified
Statewide Class Certified for California

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(December 14, 2010 , San Diego, CA) -- Santa arrived early for Costco employees suing the giant warehouse retailer in US District Court for the Southern District of California.

On Monday, District Judge Marilyn L. Huff granted conditional certification of the employees' nationwide Fair Labor Standards Act (FLSA) collective action against Costco, as well as certification of their statewide class action under California's wage and hours laws. The named plaintiffs are two hourly warehouse employees, suing on behalf of themselves and all other Costco employees in similar positions. They assert that Costco illegally required such workers to remain locked inside of their warehouses without pay at the end of closing shifts. The collective and class actions seek to recover regular and overtime pay for time spent in the "lockdowns."

The plaintiffs and class are represented by David Sanford, a partner at Sanford Heisler & Wittels, a civil rights litigation law firm with offices in New York, Washington, D.C., and San Francisco, and Jill M. Sullivan, a partner at Chapin Fitzgerald Sullivan LLP, San Diego.

"We are gratified our arguments supporting these motions prevailed on all fronts because the Costco policies at issue were truly unfair," said Mr. Sanford. "The sooner they receive judicial scrutiny in the light of federal and state wage and hour laws, the better."

Conditional certification is the first step in a collective action and only requires a court to certify that a "class" or group of employees is similarly situated. After a class is conditionally certified, all known members of the class are formally notified and given an opportunity to opt-in, or join, the class, after which discovery is conducted to gather additional information about the named and opt-in plaintiffs. In the second phase, the burden then shifts to the defendants, usually with a motion to decertify the class, or the case is certified to go to trial.

Judge Huff rejected all of Costco's arguments against conditional certification of the national collective action and certification of the California class, including the giant wholesaler's assertion that a February decision in another matter that denied class

certification to Costco hourly employees precluded Monday's order. She also directed the plaintiffs and Costco to submit a proposed notice to members of the federal and state classes by January 3.

Sanford Wittels & Heisler is a law firm with offices in Washington, D.C., New York, and San Francisco that specializes in employment discrimination, wage and hour, consumer and complex corporate class action litigation and has represented thousands of individuals in some of the major class action cases in the United States. The firm also represents individual clients in employment, employment discrimination, sexual harassment, whistleblower, public accommodations, commercial, medical malpractice, and personal injury matters.