

COLLECTIVE ACTION CERTIFIED IN CALIFORNIA AT&T/PACBELL SUIT

Over 1,300 ‘Field Managers’ Denied Hundred of Millions in Overtime Wages Can Now Proceed in Class Action Against AT&T

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(November 22, 2010, San Francisco) – Over 1300 misclassified “field managers” denied overtime pay at AT&T / Pac Bell Telephone Company won approval of their collective action certification motion in federal court Friday. Following a similar decision in federal court in Connecticut last November 2009 granting both class action and collective action status to nearly 200 AT&T field managers, the California decision paves the way for all California field managers to pursue their overtime claims as a collective group against the phone company giant.

“Hundreds of millions of dollars are at stake in this suit,” said Steven Wittels, a partner at Sanford Wittels & Heisler, the plaintiffs’ lead counsel. “We are delighted by the Court’s certification order because it adds teeth to the process of identifying all aggrieved PacBell/AT&T field managers who want to participate in this suit. Most importantly, it brings us one big step closer to securing just compensation for the thousands of field force employees to whom AT&T wrongfully denied overtime. It’s time for the phone company to stop exploiting its workers get connected to the basic principle of complying with this country’s labor laws.”

Judge Charles R. Breyer of the U.S. Court for the Northern District of California also approved a 60-day period for all potential class members to be notified about the lawsuit and to join the collective action as plaintiffs. The 60 days will begin when the notification is mailed. The Plaintiffs will move for class certification next year.

Janette Wipper, a partner of Sanford Wittels & Heisler said, “This is a big milestone for AT&T field managers nationwide. AT&T continues to deny overtime wages to field managers across the country even though these workers primarily perform clerical, non-exempt work required by AT&T’s uniform policies. Field managers in California can now move forward as a group to change these unfair labor policies at AT&T/PacBell.”

AT&T/PacBell first tried to block the collective action certification by inundating the court with thousands of pages of documents. The Court entirely disregarded the company’s so-called “evidence” in its decision. AT&T/PacBell also attempted to chill

field managers' participation in the case by asking for a substantially shorter notification period and misleading language in the notice. Both efforts were swiftly rejected. Judge Breyer ordered AT&T/PacBell to turn over the names and contact information of all California "field managers" to the plaintiffs immediately.

The original plaintiffs Joe Lewis Luque and Herman Richardson allege in *Luque et al. v. AT&T et al.* that PacBell/AT&T failed to pay them and other California "field managers" wages they are due under the federal Fair Labor Standards Act (FLSA) and California's Labor and Unfair Competition Law, even though individuals in these positions are often required to work up to 80 hours per week.

Luque and Richardson filed the suit in December 2009. Some 78 other "field managers" at the two companies have since opted in as members of the plaintiff class. Pursuant to Breyer's Friday order, notice will now be mailed to over 1,300 other AT&T/PacBell "field managers" in California who are or were employed at either company since December 2005, informing them they are eligible to join the collective action case.

Two similar FLSA lawsuits have been filed by AT&T field managers in other states: *Lawson v. BellSouth Telecomms* and *Perkins v. Southern New England Tel. Co. (SNET)* are being litigated in the federal courts of Georgia and Connecticut respectively. Sanford Wittels & Heisler and Mr. Clark represent the plaintiffs in all cases.

"Our Connecticut class action against AT&T's subsidiary SNET is being teed up for trial in May 2010, and now our California case is on the same fast track for trial," said Jeremy Heisler," also a partner at Sanford Wittels & Heisler. "We are confident that the evidence in California will show the same pattern of misclassification and wage violations by AT&T in California. AT&T/PacBell works its employees to the bone all over the country, and expects them to work 24-7 shifts without any extra pay. It's shameful," Mr. Heisler added.

The FLSA and California labor law require employers to pay time and a half in overtime wages for hours worked above 40 in a week. California labor law requires employers to pay time and a half in overtime wages for hours worked above 8 in a day.

Andrew Melzer of Sanford Wittels & Heisler added: "We are eager to get the word out that all 'field managers' who want to take part in this lawsuit must file a consent to join form; otherwise, they will not be able to recover the unpaid wages they are owed as part of this class under the FLSA."

AT&T, the eighth largest Fortune 500 corporation, has revenues of over \$100 billion annually and employs some 294,600 workers worldwide.

ABOUT SWH

Sanford Wittels & Heisler is a class action civil rights law firm with offices in New York, San Francisco, Washington, D.C. and New Jersey that specializes in employment discrimination, wage and hour, consumer and complex corporate class action litigation. The firm has obtained more than \$100 million dollars in recoveries for individuals represented in class action cases nationwide. It also represents individual clients in employment, employment discrimination, sexual harassment, whistleblower, public accommodations, commercial, medical malpractice, mass tort and personal injury matters.