



# CLASS AND COLLECTIVE ACTIONS

## INCISIVE PRACTICAL GUIDANCE AND TIME-SAVING FORMS BY EXPERT ATTORNEY AUTHORS

Lexis Practice Advisor's practice notes on class and collective actions (and accompanying forms and treatises) explore each class and/or collective action subject in a practical, in-depth, well-organized, and well-written manner. Gibson, Dunn & Crutcher has written the majority of our class and collective action practice notes. We also provide a detailed practice note on wage and hour discovery in class and collective actions by Greenberg Traurig, LLP. Our forms are expertly authored by, among others, Gibson, Dunn & Crutcher LLP and Epstein Becker Green, P.C. We work closely with our expert attorney authors to ensure that our class and collective action content is top notch and helpful to our attorney customers. The content takes lawyers step by step through the important stages of class and collective actions.

Below is a list of Lexis Practice Advisor's Class and Collective Action content, which is located on Lexis Practice Advisor in [Labor & Employment / Employment Litigation / Class and Collective Actions](#).

### CLASS AND COLLECTIVE ACTION PRACTICE NOTES

To access these practice notes, see [Labor & Employment / Employment Litigation / Class and Collective Action Practice Notes](#).

- Responding to Wage and Hour Class and Collective Action Complaints by Jesse A. Cripps and Katherine Smith, Gibson, Dunn & Crutcher LLP
- Making Rule 68 Offers of Judgment in Employment Cases by A. Jonathan Trafimow, Moritt Hock & Hamroff LLP
- Discovery Strategies for Employers in Wage and Hour Class and Collective Actions by James N. Boudreau and Christiana L. Signs, Greenberg Traurig, LLP
- Navigating Strategies for Filing and Drafting Summary Judgment Motions in Wage and Hour Class and Collective Actions by Jesse A. Cripps and Katherine Smith, Gibson, Dunn & Crutcher LLP
- Opposing Motions for Conditional Collective Action Certification and Making Decertification Motions Under FLSA Section 216(b) by Jesse A. Cripps and Katherine Smith, Gibson, Dunn & Crutcher LLP
- Navigating FLSA Section 216(b) Collective Action Notice Requirements by Lexis Practice Advisor Attorney Team
- Settling FLSA Section 216(b) Wage and Hour Collective Actions by Lexis Practice Advisor Attorney Team
- Opposing Class Certification in Rule 23 Wage and Hour Class Actions by Jason C. Schwartz, Gibson Dunn & Crutcher LLP

- Understanding Rule 23 Class Action Notice Requirements by Jason C. Schwartz, Gibson Dunn & Crutcher LLP
- Settling Rule 23 Wage and Hour Class Actions by Jason C. Schwartz, Gibson Dunn & Crutcher LLP
- Chart – State Practice Notes (Wage and Hour Compliance) [This chart takes the reader to all of Lexis Practice Advisor’s state wage and hour content (including Washington D.C.).]

## **CLASS AND COLLECTIVE ACTION FORMS**

In addition to the key sample forms and checklists, Lexis Practice Advisor’s Labor & Employment offering also provides winning briefs on its [Class and Collective Action Forms page](#) regarding various wage and hour class and collective action topics, including: summary judgment, opposing conditional certification of collective actions, decertifying collective actions, and opposing class action certification. Specifically, these briefs are U.S. district court briefs where the courts ruled in favor of the employers.

### **Complaint**

- Wage and Hour Collective and Class Action Complaint

### **Joint Defense Agreements**

- Joint Defense and Confidentiality Agreement

### **Answers and Defenses**

- Answer and Defenses to Wage and Hour Class or Collective Action Complaint
- Sample Answer to Class Action Complaint Alleging Failure to Pay Overtime and Other Wage Law Violations
- Affirmative Defenses Relevant to a Claim of Unequal Pay

### **Rule 68 Offers of Judgment**

- Offer of Judgment Under Federal Rule of Civil Procedure 68
- Checklist – Making Rule 68 Offers of Judgment in Employment Cases

### **Litigation Hold Letters**

- Litigation Hold Letter to Employer-Client (Employment Dispute)
- Litigation Hold Letter from Employer to Opposing Party (Employment Dispute)

### **Document Requests and Interrogatories**

- Defendant’s Document Requests (FLSA Executive Employee Exemption Misclassification Collective Action or Hybrid Collective/Class Action)
- Defendant’s Document Requests (FLSA Independent Contractor Misclassification Case)
- Document Requests to a Plaintiff in a Tip Credit / Tip Pooling Claim
- Interrogatories to a Plaintiff in a Tip Credit / Tip Pooling Claim

- Defendant's Interrogatories in Class Action Case Involving Unpaid Overtime Claim
- Plaintiffs' Interrogatories in Case Involving Independent Contractors' Class Action Claim
- Defendants' Request for Documents in Class Action Case Involving Claim for Unpaid Overtime
- Plaintiffs' Request for Documents in Case Involving Independent Contractors' Class Action Claim for Overtime, Meal/Rest Periods, and Employee Benefits
- Defendant's Request for Documents in Case Involving Independent Contractors' Claim for Overtime, Meal/Rest Periods, and Employee Benefits
- Sample Request for Production of Documents in Connection with Class Certification

### **Depositions**

- Deposition Questions to a Plaintiff in a Tip Pooling / Tip Credit Action

### **Summary Judgment**

- Brief in Support of Motion for Summary Judgment (Rest and Meal Break, Overtime, Vacation Time, Timely Wage Payment, and Reasonable Seating Claims Under California Law)
- Brief in Support of Motion for Summary Judgment (FLSA and New York Labor Law Overtime Claims and Alleged Misclassification Under the Executive Employee Exemption)
- Checklist – Filing and Drafting Summary Judgment Motions in Wage and Hour Class and Collective Actions
- Checklist – Moving for Summary Judgment in an Employment Litigation

### **FLSA Section 216(b) Conditional Collective Action Certification**

- Outline of Brief in Opposition to Motion for Conditional FLSA Collective Action Certification
- Brief in Opposition to Motion for Conditional Collective Action Certification and for Court-Approved Notice to Collective Class (Overtime and Minimum Wage Claims Under the FLSA)
- Brief in Response to Motion for Conditional Certification of Representative Class and to Permit Court-Supervised Notification Pursuant to 29 U.S.C. § 216(b) (Overtime and Minimum Wage Claims Under the FLSA)
- Brief in Opposition to Conditional Class Certification (FLSA Overtime and Off-the-Clock Work Claims and Alleged Misclassification Under the Inside Sales Exemption (Section 7(i) of the FLSA))

### **Notification Requirements Following the Granting of Conditional FLSA Section 216(b) Collective Action Certification**

- Sample Notice of Collective Action Lawsuit
- Order Approving Class Notice with Notice and Written Consent (Opt-In) Form

### **FLSA Section 216(b) Collective Action Decertification**

- Outline of Brief in Support of Motion for Decertification of FLSA Collective Action
- Brief in Support of Motion to Decertify Collective Action (Overtime, Minimum Wage, Misclassification, and Off-the-Clock Work Claims Under the FLSA)
- Brief to Decertify Collective Action and to Deny Class Action Certification (Overtime and Improper Meal Break Deduction Claims Under the FLSA and Pennsylvania Law)

- Brief in Support of Motion to Decertify Conditionally Certified FLSA Class (FLSA Overtime Claims and Alleged Misclassification Under the Executive, Administrative, Professional, Computer Professional, Highly Compensated, and Combination Exemptions)
- Brief Supporting Defendant's Motion to Decertify Collective Action (Equal Pay Act)
- Brief to Decertify Collective Action (Overtime and Minimum Wage Claims Under the FLSA)

#### **FLSA Section 216(b) Collective Action Settlements**

- Settlement Agreement (Hybrid Wage and Hour FRCP 23 Class Action and FLSA Section 216(b) Collective Action)
- Settlement Agreement (FLSA Section 216(b) Wage and Hour Collective Action)
- Proposed Order Approving FLSA Settlement and Dismissing Case
- Joint Letter to Judge Presiding Over FLSA Case Requesting Entry of Judgment Without Publicly Filing Confidential Settlement Agreement
- Declaration in Support of FLSA Settlement
- Model Settlement Agreement Clauses Waiving FLSA Claims
- Settlement Agreement in FLSA Hybrid Action
- Checklist – Resolving FLSA Claims

#### **Rule 23 Class Action Certification in Wage and Hour Class Actions**

- Brief to Decertify Collective Action and to Deny Class Action Certification (Overtime and Improper Meal Break Deduction Claims Under the FLSA and Pennsylvania Law)
- Brief in Opposition to Motion for Class Certification (Off-the-Clock Work and Meal Break Claims Under California Law)
- Brief in Opposition to Motion for Rule 23 Class Certification (Overtime, Minimum Wage, Frequency of Pay, Travel Time, Wage Statement, Waiting Time, and Failure to Pay for All Hours Worked Claims Under California Law)
- Motion for Class Certification of State Law Classes

#### **Wage and Hour Rule 23 Class Action Settlements**

- Settlement Agreement (Hybrid Wage and Hour FRCP 23 Class Action and FLSA Section 216(b) Collective Action)
- Rule 23 Class Action Settlement Agreement in Wage and Hour Class Action
- Class Action Fairness Act (CAFA) Settlement Notice
- Settlement Agreement in FLSA Hybrid Action

#### **Rule 23 Class Action Notices**

- Rule 23 Notice of Class Action Certification in Wage and Hour Class Action
- Class Action Fairness Act (CAFA) Settlement Notice

#### **Tip Credit Notices**

- Tip Credit Notice (FLSA)

## Assessing Cases

- Defendant's Employment Case Assessment Checklist

## **CLASS AND COLLECTIVE ACTION TREATISE CONTENT**

To access this treatise content, see [Labor & Employment / Employment Litigation / Class and Collective Action Secondary Materials](#).

- Wages & Hours: Law and Practice
- Moore's Federal Practice - Civil

*Lexis Practice Advisor created this list of Class and Collective Action content on March 2, 2017. We are continuously expanding our Class and Collective Action offerings.*

*Learn more about our comprehensive  
Labor & Employment content*

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