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LABOR & EMPLOYMENT

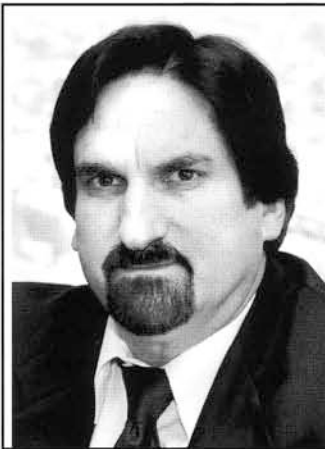
Employment law has always represented a significant portion of legal work done in California. The practice has become even more crucial as California continues to build on its reputation as one of the nation's most employee-friendly states. As a result, some

of the nation's most sophisticated employment lawyers are based here. In this issue we highlight the very top practitioners in the field, and the cutting-edge cases they are handling across the state, the nation and even internationally.

— Editor's Note

EMPLOYMENT DEFENSE

California lawyers companies turn to first



RICHARD J. SIMMONS

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Year in Review: Just about a year ago, Richard Simmons won a summary judgment motion that knocked a class action against Cedars-Sinai Medical Center out of Los Angeles County Superior Court. The plaintiffs had aimed to form a class out of nurses and other hospital employees who claimed, among other things, that Cedars-Sinai violated labor laws by charging for parking and denying meal periods and overtime pay. Simmons argued the claims were wrong on the merits. Simmons persuaded not one judge but three that the case should be dismissed. It was a strong beginning to a year in which he also defended Whole Foods Market Stores, Cox Petroleum Transport, Skechers USA and other companies against wage-and-hour class actions.

Next challenge: When the workers at Chipotle Mexican Grill filed a lawsuit in Los Angeles County Superior Court demanding compensation and damages for alleged missed meal periods and rest breaks, unpaid overtime, off-the-clock work and various other labor violations, the national burrito franchise turned to Simmons. Best known for writing the seminal, "Wage and Hour Manual for California Employers," Simmons spends most of his time beating back class actions. For Chipotle, he adopted an unusual strategy of pre-emptive attack on the class certification: "Rather than waiting for them to file a motion for class certification on their time table, I did it on my timetable when they weren't ready," he explained. So Simmons caught the plaintiffs off-guard. The judge granted Simmons' motion to deny class certification last June. But the case is not dead yet: In August, Simmons will re-argue the case when a panel on the state's 2nd District Court of Appeal looks at the appeal.