

EMPLOYMENT LAW UPDATE

DO THE MATH:

Calculating Exposure and Damages in Wage and Hour Cases

The Labor Code can be confusing when it comes to calculating exposure and damages in wage and hour cases. This program will cover the various damages and stacking penalties available to successful plaintiffs in wage and hour cases, and how to calculate properly these types of damages.

MCLE Information

This activity has been approved for Minimum Continuing Legal Education credit by the State Bars of California and Nevada in the amount of 3.0 hours. The ADC certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Boards of California and Nevada.

Special Thanks

Ellen Arabian-Lee
Arabian-Lee Law Corp.

William L. Coggshall
Archer Norris

Enrique Martinez
Ropers, Majeski, Kohn & Bentley

Presorted
First Class
U.S. Postage
Paid
Permit #2045
Sacramento, CA

Association of Defense Counsel
of Northern California and Nevada
2520 Venture Oaks Way
Suite 150
Sacramento, CA 95833



EMPLOYMENT LAW UPDATE

DO THE MATH:

Calculating Exposure and Damages in Wage and Hour Cases



THURSDAY, JANUARY 26, 2017

2:30 pm – 5:30 pm / Seminar

5:30 pm – 6:30 pm / Reception

MARINES' MEMORIAL CLUB

609 Sutter Street

San Francisco, CA 94102



**Association of Defense Counsel
of Northern California and Nevada
2520 Venture Oaks Way, Suite 150
Sacramento, CA 95833**

DO THE MATH: Calculating Exposure and Damages in Wage and Hour Cases

THURSDAY, JANUARY 26, 2017 • MARINES' MEMORIAL • 609 Sutter Street • Sacramento, CA 94102

1:30 pm / Registration • 2:30 pm – 5:30 pm / Seminar • 5:30 pm – 6:30 pm / Cocktail Reception



Have you received a demand letter or complaint from a plaintiff who claims that he or she was not compensated for overtime work or was not afforded the opportunity to take meal or rest breaks? Were you shocked that the monetary demand was an exorbitant amount and pertained mostly to penalties rather than wages owed? The Labor Code can be confusing when it comes to calculating exposure and damages in wage and hour cases. This program will cover the various damages and stacking penalties available to successful plaintiffs in wage and hour cases, and how to calculate properly these types of damages. In particular, the program will cover PAGA damage claims, PAGA penalty claims, penalties for missed meal and rest breaks, regular rate calculations, rounding, class action settlement strategies, best strategies at mediation, performing in-house damage calculations, "back-of-the-napkin" exposure calculations and explaining results to your client, obtaining and converting time and payroll data, the role of the economic expert, using proxy data in wage and hour claims, statistical sampling, using surveys and/or declarations, paid sick leave claims, and claims under the Fair Pay Act. These issues will be discussed from both the defense and plaintiff's counsel's perspective, as well as from the perspective of an economist expert. Failure to understand how to calculate these damages and penalties can cost your clients money. Bring your calculators and don't miss this important program!

PANELISTS:

Nicholas Briscoe

Mr. Briscoe is Chief Economist at Briscoe Economics Group, Inc. He provides valuation and analytical consulting services as well as expert witness testimony in civil and business litigation to attorneys, corporations, insurance companies and governmental agencies. Mr. Briscoe's practice includes the assessment of economic issues and data analysis related to state-specific and FLSA wage and hour matters including overtime pay, misclassification, regular rate of pay, off-the-clock work and meal and rest break periods. In addition, Mr. Briscoe specializes in the calculation of damages in employment termination litigation, commercial damages, fraud investigation / forensic accounting, personal injury and business valuation. Mr. Briscoe teaches Finance as an Adjunct Professor at the University of California, Davis. He has earned a Bachelor's Degree and Master's Degree in Economics from UC Davis and has obtained the certifications of Certified Valuation Analyst (CVA), Certified Earnings Analyst (CEA) and Certified Fraud Examiner (CFE).

Matthew C. Helland

Mr. Helland manages the San Francisco office of Nichols Kaster, PLLP, a 30+ lawyer firm representing employees and consumers in individual and class actions across the country. Mr. Helland handles a wide variety of cases but focuses primarily on wage and hour class and collective actions. Matt is actively involved in the Labor and Employment Law section of the American Bar Association, serving as the co-chair of the WARN Act Subcommittee to the Federal Labor Standards Legislation Committee and as a chapter editor for the Fair Labor Standards Act treatise. He is also an active volunteer at the Legal Aid Society – Employment Law Center, where he supervises student attorneys in providing legal assistance to low wage workers. Mr. Helland has been recognized as a Northern California Rising Star every year since 2012.

Marie Trimble Holvick

Marie Trimble Holvick is a partner in the Employment and Retail & Hospitality practice groups in the San Francisco office of Gordon & Rees. Ms. Holvick's experience includes handling employment matters involving allegations of discrimination, harassment, wrongful termination, whistleblower claims, violations of the FMLA, the FEHA, and the ADA, and PAGA and class action "wage and hour" violations. Ms. Holvick also regularly provides advice and counseling, prepares employee handbooks, and conducts harassment and management training sessions. Ms. Holvick's counseling experience includes assisting with employee discipline and terminations following HIPAA breaches. Ms. Holvick's employment law work has involved clients from a wide range of industries, including restaurants, wineries, hotels, health care, and manufacturing. In addition to appearances in state and federal court, Ms. Holvick has assisted in matters involving the Department of Labor, the Division of Labor Standards Enforcement, the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, the Workers Compensation Appeals Board, and the National Labor Relations Board. Ms. Holvick also regularly handles ADA Title III cases, including accessibility claims against theaters, restaurants, and stadiums.

Association of Defense Counsel of Northern California and Nevada

2520 Venture Oaks Way, Suite 150 • Sacramento, CA 95833

916.239.4060 – phone • 916.924.7323 – fax • adcnc@camgmt.com • www.adcnc.org

Employment Law • 1/26/2017 • San Francisco, CA

Registration Fees: ☐ ADCNCN Member – \$290 ☐ Non-Attorney – \$190 ☐ Non-Member Attorney – \$390

Register Online at www.adcncn.org

Attendee: _____ State Bar # _____

Firm: _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____ E-Mail: _____

Cancellations: Registrant must cancel in writing at least one week prior to the seminar. Refunds less \$50 processing fee.

Method of Payment: Amount Enclosed: \$ _____

☐ Check, payable to ADCNCN ☐ Credit Card: ☐ Visa ☐ M/C ☐ AmEx Number: _____ Exp: _____ CVV: _____

Cardholder Name: _____ Signature: _____

Please complete this form and return it with your payment. If paying with a credit card please fax to 916.924.7323; please do not e-mail.

Association of Defense Counsel of Northern California and Nevada

2520 Venture Oaks Way, Suite 150, Sacramento, CA 95833

916.239.4060 – phone • 916.924.7323 – fax • adcnc@camgmt.com • www.adcncn.org

REGISTRATION FORM

– Register Online at www.adcncn.org –