

Daily Journal

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TOP VERDICTS OF 2015

The largest and most significant verdicts and appellate reversals handed down in California in 2015

TOP DEFENSE RESULTS

Pryor v. Overseas Administrative Services Ltd.



MALCOLM A. HEINICKE



MARTIN D. BERN



MARJA-LIISA OVERBECK



BRYAN H. HECKENLIVLEY

CASE INFO

Wage and hour arbitration

JAMS
Michael J. Loeb

Defense attorneys:

Munger, Tolles & Olson LLP, Malcolm A. Heinicke, Martin D. Bern, Marja-Liisa Overbeck, Bryan H. Heckenlively

Plaintiffs' attorneys:

Rukin Hyland Doria & Tindall LLP, Peter S. Rukin, Jessica L. Riggin; Skikos Crawford Skikos & Joseph LLP, Mark G. Crawford; Altshuler Berzon LLP, James M. Finberg, Eve H. Cervantez, Connie K. Chan; Lewis, Feinberg, Lee & Jackson PC, Todd F. Jackson, Genevieve L. Casey, Magdalena Guadalupe Verduusco

Some 7,000 truck drivers working for U.S. military contractors in Iraq sued for allegedly unpaid wages and provided a rare example of a class action trial conducted in binding arbitration.

Following a nearly three-month trial before JAMS neutral Michael J. Loeb, the drivers lost their claim to recovery of up to \$200 million in unpaid overtime wages plus fees and interest. *Pryor v. Overseas Administrative Services Ltd.*, 1100052926 (JAMS).

Led by a Munger, Tolles & Olson LLP defense team, the win illustrated two cutting edge employment law issues: how to conduct class proceedings in arbitration, and how to address wage and hour claims by international employees.

As employers increasingly adopt arbitration programs, mass torts before an arbitrator are likely to look to the functioning of *Pryor*

for guidance. And because the employees who brought the claims worked outside the U.S., the procedure established a framework for litigating employment contracts when pertinent statutes are unclear.

"The Munger Tolles team took a creative approach to untangle this intricate case," the firm said in a statement. It added that the plaintiffs' lawyers shifted theories during the course of the litigation, but eventually argued that mid-level supervisors set differing weekly hours limits at different times at different bases throughout Iraq.

Lead counsel Malcolm A. Heinicke recalled viewing the time records displayed on a graph. "That was one of those 'aha' moments," he said. "It was hard, objective data for what our clients were telling us all along."

— John Roemer