

Daily Journal

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Top Verdicts

The largest and most significant verdicts and appellate reversals in California in 2021

TOP DEFENSE RESULTS

Delgado v. Taylor Farms California, Inc.



JESSE A. CRIPPS



KATARZYNA RYZEWSKA



MATTHEW T. SESSIONS



MONICA B. PALADINI

Case Info

CASE NAME: DELGADO V. TAYLOR FARMS CALIFORNIA, INC.

TYPE OF CASE: CLASS ACTION, EMPLOYMENT PAGA CLAIM

COURT: MONTEREY COUNTY

JUDGE(S): SUPERIOR COURT JUDGE THOMAS W. WILLS

DEFENSE ATTORNEYS: Gibson, Dunn & Crutcher LLP, Jesse A. Cripps, Katarzyna Ryzewska, Matthew T. Sessions, Monica B. Paladini

PLAINTIFFS ATTORNEYS: Diversity Law Group, Larry W. Lee, Kristen M. Agnew, Nicholas Rosenthal; Hyun Legal, Dennis S. Hyun; Choi & Associates, Edward W. Choi; Polaris Law Group, LLP, William L. Marder; Fitzpatrick & Swanston, B. James Fitzpatrick

The case began as a combined class action and Private Attorney General Act lawsuit seeking \$16 million or more for hundreds of employees of Taylor Farms California, Inc. who allegedly were required to respond to radio calls from the company during rest and meal breaks, among other claims.

It ended with just three former employees being awarded \$20,000 for minor break violations and nothing on their other claims. "This was a large-scale case that ultimately resulted in a small whimper of a verdict," said lead defense attorney Jesse A. Cripps of Gibson, Dunn & Crutcher LLP. *Delgado v. Taylor Farms California, Inc.*, 18CV001381 (Monterey Super. Ct., filed April 18, 2018).

The result also shows that employers don't always need to settle employees' class actions and PAGA cases, he said. "The PAGA statute is designed to encourage judicial discretion, and I think this is an example of where a judge did exactly what the statute asked of him," Cripps said. Taylor Farms is a major nation-

al processor of fresh-cut vegetables for restaurants, schools and grocery stores. Lead plaintiff José Delgado had been employed as a maintenance mechanic who said he had to respond to calls to fix vegetable processing equipment even while on break.

Litigating the case was an exercise in persistence, Cripps said. The defense team first won a summary adjudication about the weight given the workers' collective bargaining agreement. Next, they took to trial and defeated the plaintiffs' class action allegations about mistakes in wage statements.

Then they convinced the judge that only a few employees, not a broad class, had to carry and respond to their radios on breaks. "It appears to be completely isolated and limited to plaintiff and a couple of his buddies," Cripps said.

Finally, after a second, multi-day court trial, the judge awarded those three former works just \$10 or \$20 per PAGA violation, not the full \$100 the statute allows, according to the defense attorney.

"So what started out as a \$20 million-plus demand involving hundreds of people, ended up as a case involving three individuals who received a small fraction of what they were actually asking for at trial, which in any employers' book is a massive victory," he said.

The lead plaintiffs' attorney described the result differently. "I don't see how this can be considered a defense verdict, especially since... the plaintiffs are the prevailing party," said Larry W. Lee, who heads a coalition of attorneys from five law firms who were co-counsel on the case.

He agreed that only certain employees were required to keep their radios on during breaks. "We never pursued the case on behalf of every employee in the factory," he said.

The plaintiffs' team has submitted a costs motion for \$46,000 and intends to seek much more as attorneys' fees under PAGA.

Lee also said the plaintiffs may appeal the judge's ruling on the wage-statement claims.

— DON DEBENEDICTIS