

TABLE OF CONTENTS

Previous Next

Michael D. Singer

As co-lead counsel for the plaintiffs in the landmark Brinker Restaurant Corp. case, Singer has been in the forefront of one of the most closely watched labor and employment disputes in the history of California.



On April 12, the state Supreme Court held that employers must ensure that they provide meal periods within five hours of the start of an employee's shift but need not ensure the breaks are taken. *Brinker Restaurant Corp. v. Superior Court* (2012), S166350.

The decision also held that in appropriate circumstances meal and rest period claims may be pursued as class actions, Singer added.

As with all closely watched rulings, once a decision is handed down, people want answers.

Recalling continuing education classes he's addressed since the decision, Singer said, "I lectured to a hundred folks, half of whom were human resources personnel, who were demanding to know what they're supposed to do in order to follow that standard."

He's also recorded a 30-minute podcast on the plaintiff's view of Brinker.

While the smoke continues to clear in the aftermath of the case, Singer has been busy resolving another labor-and-employment matter that has strung out for eight years now.

At issue was a meal-and-rest-period case filed on behalf of a diabetic employee, who had been prohibited from taking meal breaks within five hours, a time interval necessary to maintain his blood sugar levels.

In 2005, the trial court granted the employer's motion to compel individual arbitration and enforce class-action prohibitions.

Two years later, the state Supreme Court issued an opinion establishing the standards for class-action waivers. *Gentry v. Superior Court of Los Angeles County*, S141502 (Cal. Aug. 30, 2007).

While the ruling presumably tipped the scales in Singer's favor, the trial court denied reconsideration and again sent the matter to arbitration.

But Singer appealed, and the lower court was ordered to reconsider its ruling, which subsequently led to settlement discussions and a confidential eight-figure agreement that will be final in July.

Singer's challenge, as he sees it, was "to be able to resurrect a case that had been left for dead three times."

"It took tenacity," he said.

- PAT BRODERICK

