

Castle, Petersen & Krause, LLP

Attorneys at Law

CASTLE, PETERSEN & KRAUSE, LLP ANNOUNCES THAT POLICE OVERTIME LAWSUIT AGAINST THE CITY OF LOS ANGELES IS HEADED TO TRIAL

- United States District Court Denies City's Motion and Orders Case to Trial

- City's Major Defenses Die on the Vine

- Class Certification/Notice in Other LAPD Overtime Lawsuit

NEWPORT BEACH, Calif. January 29, 2007 – Castle, Petersen & Krause, LLP announced today that on January 23, 2007, in the case of *Nolan, et al. v. City of Los Angeles* (“*Nolan*”), the U.S. District Court, Central District of California denied the City of Los Angeles’ Motion for Summary Judgment, setting the stage for the case to move to trial. Gregory G. Petersen, a partner in Castle, Petersen & Krause, brought this case to court on behalf of 36 Los Angeles Police Sergeants, Lieutenants and Detectives and against the City of Los Angeles to recover unpaid overtime wages. The officers contend that the Los Angeles Police Department (“LAPD”) required them to work overtime without compensation in violation of the Fair Labor Standards Act (“FLSA”). The suit asserts that the 36 LAPD officers have regularly worked overtime without compensation; that the LAPD has an “unwritten policy” discouraging the reporting of overtime work for less than an hour’s time; and that the department’s supervisors were aware of such practices.

In making its Motion for Summary Judgment, the City claimed that the commanding officers within the LAPD were not aware of such an “unwritten policy” and did nothing to enforce such a policy. Additionally, the City claimed that the LAPD neither knew nor had reason to know that officers were working overtime without pay in violation of the LAPD’s written policy.

However, the District Court denied the City’s Motion, ruling that a rational trier of fact (a jury) could infer from the evidence presented by the officers that the “LAPD sanctioned an ‘unwritten policy’ pursuant to which supervising officers pressured their subordinates not to report overtime for less than an hour.” In response to the City’s alternate “ignorance” defense, the court ruled that a rational trier of fact could conclude from evidence presented by the officers that their supervisors were present at the same time, saw them engaged in work activities, or relayed assignments to them outside of their shifts, and that their supervisors knew or should have known that the officers were working unpaid overtime.

As a result of the District Court’s ruling, the 36 officers included in the *Nolan* case will soon be headed for trial.

The *Nolan* case is one of a series of cases filed by the firm against the City of Los Angeles alleging overtime violations within the Los Angeles Police Department. In a similar case, the District Court determined that *Alaniz, et. al. v. City of Los Angeles* (“*Alaniz*”) should be initially certified as a Collective Action. Several hundred officers have already joined the *Alaniz* case, with approximately 20 to 25 officers per week joining the case based on word of mouth discussions within the LAPD and without any notice from the court. As a result of the preliminary approval, the court has determined that Notice of a

Collective Action will be sent to approximately 9,000 Police Officers, Sergeants, Detectives and Lieutenants who may then also join the other officers in the lawsuit that allege they were not properly compensated for all overtime by the LAPD. The firm expects the *Alaniz* Notice to be sent out within the next month.

About Castle, Petersen & Krause, LLP

The law firm of Castle, Petersen & Krause, LLP, headquartered in Newport Beach, CA, specializes in labor and employment law and litigation, and business litigation. The firm's areas of focus within labor and employment include civil rights, labor relations, contract negotiations, disciplinary actions, FLSA, discrimination, retaliation, wage and hour issues, and wrongful termination. Castle, Petersen & Krause has a near 30-year history of representing law enforcement officers and their associations in contract negotiations, disciplinary actions, civil rights claims, and class actions related to FLSA and wage and hours matters. The firm also has a history of success in recovering overtime wages from public and private employers through FLSA class action claims, including recent cases against the City of Los Angeles and companies in the hospitality and fitness industries. Additionally, Castle, Petersen & Krause provides its clients counsel in the areas of construction defect, intellectual property, product liability and first and third party insurance litigation, as well as personal injury claims. More information on Castle, Petersen & Krause can be found at www.cpk-law.com.

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