

Castle, Petersen & Krause, LLP

Attorneys at Law

City of San Diego Requests Further Delay In Police Officers' FLSA Lawsuit

NEWPORT BEACH, Calif. March 30, 2007 – Castle, Petersen & Krause, LLP announced today that the City of San Diego, at a March 27, 2007 status conference, requested additional time to prepare to respond to the Plaintiffs' recently-filed summary judgment motion in the Fair Labor Standards Act ("FLSA") lawsuit *Abbe, et al. v. City of San Diego*, before the U.S. District Court, Southern District of California. On March 16, 2007, the firm filed a motion for summary judgment, which asks the court to review and come to an affirmative decision as to the Plaintiffs' claims regarding the City's willful and deliberate failure and refusal to properly compensate them for all hours worked. The named Plaintiffs in the *Abbe* case include approximately 1,300 current or former San Diego Police Officers.

Christopher Nissen, a Senior Associate with Castle, Petersen & Krause, LLP, commented: "It is not entirely uncommon for a defendant to request additional time to conduct discovery in order to respond to a summary judgment motion. What is remarkable in this instance is that the City was given notice at the beginning of the year that we intended to file this summary judgment motion – yet the City has conducted virtually no discovery at all. In contrast, earlier this week we served discovery responses for over 400 plaintiffs, with more responses to follow shortly." Mr. Nissen added: "It is unfortunate that the City has decided to pursue the litigation, when previously it appeared that the City was receptive to discussing options for settling this dispute. The position taken by the City at the *Abbe* status conference leaves me questioning whether the City ever gave settlement serious consideration, or whether those discussions were just another example of tactical delay."

Anthony Jenkins, an Associate Attorney with Castle, Petersen & Krause, LLP stated: "The summary judgment motion filed on March 16 with the Court was the first of two filings. The firm is preparing and will file with the court summary judgment motions on the issues of liability for federal constitutional violations regarding the impairment of a contract, under the Contracts Clause, and the taking of property without just compensation, under the Takings Clause. Additionally, Castle, Petersen & Krause, LLP will seek summary judgment striking the City's affirmative defenses based on exhaustion of administrative remedies and partial exemption from overtime provisions of the FLSA."

The *Abbe* lawsuit asserts that the San Diego Police Department required the Officers to work before and after their regular shifts and through "Code 7" meal periods for the benefit of the City of San Diego without compensation in violation of the Fair Labor Standards Act ("FLSA"). The required activities include performing pre- and post-shift responsibilities (including the donning and doffing of protective gear); preparing for court appearances; completing arrest and investigation reports; and various other required tasks.

The *Abbe* case is one of three cases that Castle, Petersen & Krause, LLP is litigating on behalf of San Diego Police Officers and the San Diego Police Officers Association. *Aaron, et al. v. Aguirre, City of San Diego, et al.* and *SDPOA v. Michael Aguirre, City of San Diego, et al.* address the City's underfunding of the San Diego City Employee Retirement System, the mishandling by the City of the police officers' pension contributions and other issues, including claims of breach of fiduciary duty, conversion, fraud, breach of contract, retaliation and conspiracy to commit civil rights violations. More information on these lawsuits can be found in the Litigation section of the firm's web site: www.cpk-law.com.

About Castle, Petersen & Krause, LLP

The law firm of Castle, Petersen & Krause, LLP, headquartered in Newport Beach, California, specializes in litigating labor and employment law and business law matters. The firm's areas of focus within labor and employment include civil rights, labor relations, contract negotiations, disciplinary actions, FLSA, California labor law, discrimination, retaliation, wage and hour issues, and wrongful termination. Castle, Petersen & Krause, LLP has a near 30-year history of representing public and private industry employees and their associations in contract negotiations, disciplinary actions, civil rights claims, and class action lawsuits related to 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 litigation, including recent cases against the City of Los Angeles, numerous other public entities and companies in the hospitality and fitness industries. Additionally, Castle, Petersen & Krause, LLP 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, LLP can be found at www.cpk-law.com.

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