

Daily Journal

www.dailyjournal.com

— SINCE 1888 —

WEDNESDAY, APRIL 20, 2016

Maria Z. Stearns

TOPWOMEN
LAWYERS

Stearns is the youngest female equity partner at Orange County's largest firm. She said she's proud of her ability to advocate effectively while maintaining a positive relationship with opposing counsel. That skill came in handy when she defended a large restaurant chain against three wage and hour class actions between 2011 and 2015 one class of more than 20,000 employees. "I view litigation as a problem that needs to be solved," she said. "I went to opposing counsel's office and told him I wanted to show him all the facets of compliance my client had achieved over the years."

"I told him I knew this was unusual, I wasn't asking him to respond, just to please listen and he could validate everything I was saying later." Stearns then invited the opposition's expert to her office to see all the data that would be available in class certification hearings, including timecards and payroll records. Using a data analyst, she delivered a presentation laying out the reasons the case would not be certified. She took the further rare step of presenting the client's in-house counsel for the person most qualified deposition, confident that privilege issues could be managed.

"She'd never been deposed before, but I convinced her to do it," Stearns said. "We took a little leap and it worked out fabulously. The other side asked appropriate questions. I never once had to advise the house counsel not to answer."

Feeling the plaintiffs' lawyer had all he would need, Stearns had what she called "a non-hostile and productive session" during which she convinced him his case wasn't going to fly the way he'd thought it would. "After that, he saw a significant risk of not being certified and he wanted to talk settlement seriously," she said.

Without a mediator, the parties negotiated a \$500,000 cash settlement plus \$500,000 worth of restaurant vouchers for class members.

"Why pay a million?" Stearns asked. "Remember, only half was cash. It let the company move on. It wasn't this client's first wage and hour rodeo, but they had learned their lessons over the years. I brought them along to the point where they had a 97 percent compliance rate—as evaluated by the opponent's expert. It was nice to be able to do my job and let opposing counsel do his, all in a civil manner."

— John Roemer



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