

Daily Journal

MAY 2, 2018

Top Women Lawyers 2018

*The Daily Journal's Annual List of
Leading Women Lawyers in California*

Maria Z. Stearns

When Ohio-based Safelite Group Inc. lost a motion for summary judgment in a major wage-and-hour class action, the company's lawyers contacted Stearns for help. They retained her less than two months before a hearing where class certification was nearly guaranteed.

Stearns didn't disappoint as she helped Safelite present an individual settlement campaign worth about \$800,000 to 1,206 of the approximately 1,500-employee class in accordance with *Chindarah v. Pick-Up Stix Inc.*, 171 Cal.App.4th 796 (2009).

The plaintiffs objected, and U.S. District Judge Dolly M. Gee ruled in their favor last October, ordering Safelite to inform all class members who cashed their individual settlement checks that they still can participate in the class action. *Ontiveros v. Safelite*, CV15-7118, (C.D. Cal., filed Sept. 9, 2015).

Stearns said the case is one of the biggest of her career. The U.S. 9th Circuit Court of Appeals granted Safelite emergency relief, and an appeal is pending.

"It involves free speech, and it also involves the right that an employer has to communicate with putative class members prior to anything being certified," Stearns said. "It will be the first time the 9th Circuit has addressed the issues."

Safelite knew of Stearns through her work with SWH Mimi's Cafe LLC. That includes a settlement in three wage-and-hour class actions that cost the company \$1.08 million for a 21,000-employee class, about half of that



cash. Orange County Superior Court Judge William D. Cluster approved the settlement in October. *Quiroz v. SWH Corporation*, 11-00493645 (Orange Super. Ct., filed July 22, 2011).

Stearns also expects to soon obtain final approval of a settlement for Boot Barn Holdings Inc. in a class action involving 3,200 employees. Half the \$615,000 settlement will be paid in company gift cards, which Stearns said is still uncommon in wage and hour cases. *Slattery v. Boot Barn, Inc.*, 16-00877430 (Orange Super. Ct., filed April 27, 2016).

RUTAN & TUCKER LLP
COSTA MESA

Practice Type:
Labor & employment defense

Stearns used the same *Pick Up Stix* strategy in a wage-and-hour class action against Lazy Dog and obtained individual settlement agreements for all 179 class members, who were current and former managers alleged to have been wrongly exempted from overtime. *Irani v. Lazy Dog Cafe*, 30-2017-00898222-CU-OE-CXC (Orange Super. Ct., filed Jan. 17, 2017). The case settled individually with the named plaintiffs in May 2017 for what Stearns described as "an insignificant amount."

"Employers can often provide a lot more value to the class members in the form of a voucher for use than hard cash, and it can be a win-win," Stearns said.

Stearns graduated from Harvard Law School interested in people issues.

"The type of law I wanted to practice was law that allowed me to regularly interact with people and help solve day-to-day problems, and that's employment," Stearns said. "We all spend the majority of our time at work, so I get a lot of satisfaction helping employers figure out how they can get through problems in a way that works for the business but also treats the employees with dignity and respect."

—Meghann M. Cuniff