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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@portfoliomediamedia.com

Legal Secretary Class Certified In OT Suit V. IP Firm

By Pete Brush

Law360, New York (February 08, 2010) -- A federal judge has paved the way for a class action involving secretaries, paralegals and others at Turocy & Watson LLP, conditionally certifying a class in the case brought by a former legal secretary claiming she was improperly denied overtime pay by the intellectual property boutique.

Friday's order issued by Judge James S. Gwin of the U.S. District Court for the Northern District of Ohio came as part of an agreement between the firm and plaintiff Karla Osolin.

The deal also allowed for an amended complaint bringing claims under the Ohio Minimum Fair Wage Standards Act. The newly filed complaint says the potential class of Ohio-based plaintiffs is no less than 40 people.

Turocy & Watson has offices in Cleveland and Bellevue, Wash., and employs about 60 legal professionals, including partners, associates, law clerks and paralegals, according to the firm.

Judge Gwin gave the go-ahead for the firm to provide Osolin with a list of all former and current secretaries, paralegals and docket personnel who worked at Turocy & Watson between Feb. 18, 2007, and the present.

That notice will be mailed to potential class members, who have until March 18 to decide whether they would like to be part of the proceedings.

Attorney Anthony J. Lazzaro of the Lazzaro Law Firm LLC, who represents the plaintiffs, said Monday that the addition of state law claims was significant because the Ohio notice provisions have an opt-out provision, as opposed to an opt-in for the federal claims.

According to the agreement, neither side in the litigation is allowed to contact potential class members except in response to their inquiries about the allegations, and the defendants'

counsel is required to notify potential class members who make inquires that he represents the law firm, not the plaintiff.

A copy of the notice reads in part that, by giving notice, the court is not suggesting whether Osolin will win or lose the case.

According to the amended complaint, Osolin was employed by the firm as a legal secretary between approximately September 2008 and April 24, 2009.

Legal secretaries and docket personnel were paid a salaries and classified by defendants as exempt from federal overtime requirements, the suit contends.

However, employees such as Osolin did not engage in management or "perform work requiring knowledge of an advanced type" and therefore should not have been exempted from the overtime requirements of the Federal Labor Standards Act, according to the complaint.

The lawsuit seeks collective action status, unpaid wages, damages, interest and other relief.

Turocy & Watson is dedicated to intellectual property law with a focus on patents, and it represents approximately 15 Fortune 500 companies.

The plaintiff is represented by the Lazzaro Law Firm LLC.

The firm is represented by Littler Mendelson PC.

The case is Osolin v. Turocy & Watson LLP et al., case number 09-cv-02935, in the U.S. District Court for the Northern District of Ohio.

--Additional reporting by Ryan Davis

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