

Newsletter #510 ([View other news stories](#))

Field service technicians sue Crown

Los Angeles, CA, United States

Wednesday, 20 Apr 2011

A California employment-related lawsuit against Crown Equipment Corp is entering the deposition stage of discovery, which is expected to continue into mid-2011.

Attorneys for former Crown field service technicians Nathaniel Werner and Cory Makami are seeking class-action status in the litigation against Crown and its California operation, Crown Lift Trucks. A conference-case management hearing is scheduled on 5 May.

The plaintiffs claim that Crown failed to provide meal and rest periods, pay overtime wages, furnish accurate wage and hour statements and pay all wages earned, violating California Labor Code employment laws and regulations. In addition, the complaint alleges Crown's conduct constituted unlawful competition in violation of the California Business and Professions Code.

In a message to some employees, the New Bremen, Ohio-based company says: "Crown vigorously denies the validity of the claims brought in the lawsuit and has retained attorneys in California to defend it. Crown does not believe that the allegations are true regarding either the two plaintiffs who brought the lawsuit or any field service technicians in California."

Judge Robert L Hess is expected to rule later in 2011 on whether or not to certify the appropriateness of the civil lawsuit for class-action treatment. The litigation requesting a jury trial was filed on 10 June 2010 in Los Angeles Superior Court and seeks class-action status during the period from June 2006 and ongoing for all Crown field service technicians in California. Werner and Makami had worked at a Crown Equipment branch in Long Beach. The plaintiffs ask for unspecified damages, wage restitution, prejudgment interest and reimbursement of legal fees.

The lawsuit spells out details in five causes of action, saying in the first: "During the class period, defendants routinely failed to provide the class members, including plaintiffs, with meal and rest periods during their work shifts and failed to compensate the class members including plaintiffs for said meal and rest periods" as the labour code requires.

The overtime claim says the plaintiffs "were entitled to overtime wages payable at the rate of at least one and one-half times their regular rate of pay for all work in excess of eight hours in one workday or in excess of 40 hours in one workweek and payable at the rate of at least twice the regular rate of pay for all work in excess of 12 hours in one workday".

The third cause says Crown did not provide timely, accurate and fully detailed wage-and-hour statements.

Number four says: "Defendant failed to pay plaintiffs . . . for all wages earned each pay period on the regular payday for the pay period".

The unfair business practices allegation says Crown "reaped unfair benefits and illegal profits" and "should be made to disgorge their ill-gotten gains".

Ronald M Makarem with the Los Angeles law firm of Makarem & Associates APLC is representing the plaintiffs, and Jack S Sholkoff with the Los Angeles firm of Ogletree, Deakins, Nash, Smoak & Stewart

PC represents Crown.

Discuss Forkliftaction.com News stories in the [Discussion Forums!](#)



FORKLIFTACTION.COM

www.forkliftaction.com - Register now to receive our free newsletter

Email: info@forkliftaction.com

Phone: +61 7 3369 9090