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## Concessionaire, Workers Settle On \$5.45M Unpaid Wage Deal

By **Joyce Hanson**

Law360 (January 31, 2019, 4:37 PM EST) -- Sports concessions vendor Centerplate and thousands of its employees asked a California federal judge on Wednesday to approve a \$5.45 million deal in a proposed wage-and-hour class action, saying the parties have reached a fair and reasonable class settlement under the supervision of an experienced mediator.

The parties' notice of joint motion asks U.S. District Judge Lucy H. Koh to conditionally certify the class of an estimated 11,741 members led by named plaintiffs Monique Raquedan and Ronald Martinez, grant preliminary approval of the settlement, and appoint Setareh Law Group as class counsel.

The workers won't be required to fill out claims and will instead receive checks in the mail based on a net settlement amount of \$3.43 million after all court-approved deductions from the \$5.45 million maximum settlement amount.

The joint motion says that Centerplate of Delaware Inc. — which denies the plaintiffs' allegations in their entirety and denies liability — failed to pay workers for off-the-clock work, provide them with adequate meal and rest periods, reimburse them for expenses, give them vacation and sick pay, or provide them with compliant wage statements.

The \$5.45 million "is an 'all-in' nonreversionary amount. No class member will have to submit a claim in order to recover. Instead, checks will be mailed directly to the class members. Any uncashed checks will be transmitted to the California Division of Labor Standards Enforcement's Unclaimed Wages Fund to be held for the class member. In no circumstance will any of the \$5.45 million revert to Centerplate."

Settlement was reached following a mediation session with "experienced, highly regarded" mediator Tony Piazza on Dec. 4, according to the motion. The case didn't settle that day, but Piazza continued discussions with both sides and eventually made a mediator's proposal that the parties accepted, the motion said.

Judge Koh on July 10 **declined to dismiss** the proposed class action accusing Centerplate of labor law violations, saying the claims are not the same as ones addressed by an earlier wage-and-hour settlement involving the company, referred to as the Thompson settlement.

The court found that the claims brought by Raquedan and Martinez differed from those brought in the Thompson case, which focused solely on alleged wage and overtime violations that took place during the 2015-16 National Football League season, and therefore cannot be precluded by the earlier settlement.

Raquedan and Martinez launched their action in July 2017, accusing the company, which provides food services to stadiums and arenas around the country, of failing to provide employees with uninterrupted meal breaks, failing to give them sick days, failing to pay for accrued vacation days, failing to pay for time spent waiting at security checkpoints, and violating California law by not paying for employee uniforms during their time working for the company at an unnamed entertainment venue, according to the complaint.

The plaintiffs sought to certify a "Centerplate class" made up of all company or staffing agency employees who worked at the venue during the four years prior to the filing of the suit, along with an Unfair Competition Law class made up of "Centerplate class" members who were employed in California from July 5, 2013, until judgment is entered in the case.

Centerplate moved to dismiss the suit in February 2018, arguing that employees' claims were precluded by the settlement of a wage-and-hour class action brought by an employee who worked at Levi's Stadium — home of the San Francisco 49ers — during the 2015-16 NFL season and the 2016 Super Bowl, Judge Koh noted. Raquedan and Martinez were found to be members of this settlement class, which was comprised of non-exempt employees who worked during the 2016 Super Bowl, according to the order.

The Thompson claims centered on the alleged failure to pay named plaintiff Gabriel Thompson the overtime wages he was owed and to compensate him for travel and waiting-time costs, Judge Koh said. These claims differ substantially from the meal break claims and holiday claims brought by the employees in the current suit, with the Thompson action focusing narrowly on the 2015-16 NFL season, unlike the broader period the current action addressed, the judge said.

Representatives for the employees and Centerplate did not immediately respond to requests for comment Thursday.

The employees are represented by Shaun Setareh, Thomas Segal, Farrah Grant and Ashley N. Batiste of Setareh Law Group.

Centerplate is represented by Jeffrey D. Wohl, Zina Deldar and Jana B. Fitzgerald of Paul Hastings LLP.

The case is Raquedan et al. v. Centerplate of Delaware Inc., case number 5:17-cv-03828, in the U.S. District Court for the Northern District of California.

--Additional reporting by Sophia Morris, Editing by Orlando Lorenzo.

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