

Table of Contents

Volume 1

CHAPTER 1. INDIVIDUAL EMPLOYMENT RIGHTS

I. INTRODUCTION1:8

- § 1:1 Scope of chapter
- § 1:2 The judicial expansion of employee rights
- § 1:3 Employment at-will
- § 1:4 At-will doctrine—Common-law view of the employment relationship
- § 1:5 —Erosion

II. LAW AND REMEDIES

- § 1:6 Contract-law remedies
- § 1:7 —Public policy
- § 1:8 —Employment discrimination
- § 1:9 —Implied covenants of good faith and fair dealing
- § 1:10 —Lifetime or permanent employment
- § 1:11 —Manuals, handbooks, and policy statements
- § 1:12 —Express or implied just cause provisions
- § 1:13 —Post-employment duties
- § 1:14 Contract-law remedies by state
- § 1:15 —Alabama
- § 1:16 —Alaska
- § 1:17 —Arizona
- § 1:18 —Arkansas
- § 1:19 —California
- § 1:20 —Colorado
- § 1:21 —Connecticut
- § 1:22 —Delaware
- § 1:23 —District of Columbia
- § 1:24 —Florida
- § 1:25 —Georgia
- § 1:26 —Hawaii
- § 1:27 —Idaho
- § 1:28 —Illinois
- § 1:29 —Indiana

| | |
|--------|---|
| § 1:30 | —Iowa |
| § 1:31 | —Kansas |
| § 1:32 | —Kentucky |
| § 1:33 | —Louisiana |
| § 1:34 | —Maine |
| § 1:35 | —Maryland |
| § 1:36 | —Massachusetts |
| § 1:37 | —Michigan |
| § 1:38 | —Minnesota |
| § 1:39 | —Mississippi |
| § 1:40 | —Missouri |
| § 1:41 | —Montana |
| § 1:42 | —Nebraska |
| § 1:43 | —Nevada |
| § 1:44 | —New Hampshire |
| § 1:45 | —New Jersey |
| § 1:46 | —New Mexico |
| § 1:47 | —New York |
| § 1:48 | —North Carolina |
| § 1:49 | —North Dakota |
| § 1:50 | —Ohio |
| § 1:51 | —Oklahoma |
| § 1:52 | —Oregon |
| § 1:53 | —Pennsylvania |
| § 1:54 | —Rhode Island |
| § 1:55 | —South Carolina |
| § 1:56 | —South Dakota |
| § 1:57 | —Tennessee |
| § 1:58 | —Texas |
| § 1:59 | —Utah |
| § 1:60 | —Vermont |
| § 1:61 | —Virginia |
| § 1:62 | —Washington |
| § 1:63 | —West Virginia |
| § 1:64 | —Wisconsin |
| § 1:65 | —Wyoming |
| § 1:66 | Violation of state or federal constitutional rights— Federal cases |
| § 1:67 | —State cases |
| § 1:68 | Tort law remedies—An overview |
| § 1:69 | —Public policy |
| § 1:70 | — —Public policy exceptions by state |
| § 1:71 | — — —Alabama |
| § 1:72 | — — —Alaska |
| § 1:73 | — — —Arizona |
| § 1:74 | — — —Arkansas |

TABLE OF CONTENTS

| | |
|---------|---------------------------|
| § 1:75 | — — —California |
| § 1:76 | — — —Colorado |
| § 1:77 | — — —Connecticut |
| § 1:78 | — — —Delaware |
| § 1:79 | — — —District of Columbia |
| § 1:80 | — — —Florida |
| § 1:81 | — — —Georgia |
| § 1:82 | — — —Hawaii |
| § 1:83 | — — —Idaho |
| § 1:84 | — — —Illinois |
| § 1:85 | — — —Indiana |
| § 1:86 | — — —Iowa |
| § 1:87 | — — —Kansas |
| § 1:88 | — — —Kentucky |
| § 1:89 | — — —Louisiana |
| § 1:90 | — — —Maine |
| § 1:91 | — — —Maryland |
| § 1:92 | — — —Massachusetts |
| § 1:93 | — — —Michigan |
| § 1:94 | — — —Minnesota |
| § 1:95 | — — —Mississippi |
| § 1:96 | — — —Missouri |
| § 1:97 | — — —Montana |
| § 1:98 | — — —Nebraska |
| § 1:99 | — — —Nevada |
| § 1:100 | — — —New Hampshire |
| § 1:101 | — — —New Jersey |
| § 1:102 | — — —New Mexico |
| § 1:103 | — — —New York |
| § 1:104 | — — —North Carolina |
| § 1:105 | — — —North Dakota |
| § 1:106 | — — —Ohio |
| § 1:107 | — — —Oklahoma |
| § 1:108 | — — —Oregon |
| § 1:109 | — — —Pennsylvania |
| § 1:110 | — — —Rhode Island |
| § 1:111 | — — —South Carolina |
| § 1:112 | — — —South Dakota |
| § 1:113 | — — —Tennessee |
| § 1:114 | — — —Texas |
| § 1:115 | — — —Utah |
| § 1:116 | — — —Vermont |
| § 1:117 | — — —Virginia |
| § 1:118 | — — —Washington |
| § 1:119 | — — —West Virginia |
| § 1:120 | — — —Wisconsin |

- § 1:121 — — —Wyoming
- § 1:122 Whistleblowing
- § 1:123 —Federal whistleblowing
- § 1:124 —Qui tam actions
- § 1:125 —Protection for employees of publicly traded
companies
- § 1:126 —Dodd-Frank Wall Street Reform and Consumer
Protection Act
- § 1:127 —Whistleblowing by state
- § 1:128 — —Alabama
- § 1:129 — —Alaska
- § 1:130 — —Arizona
- § 1:131 — —Arkansas
- § 1:132 — —California
- § 1:133 — —Colorado
- § 1:134 — —Connecticut
- § 1:135 — —Delaware
- § 1:136 — —District of Columbia
- § 1:137 — —Florida
- § 1:138 — —Georgia
- § 1:139 — —Hawaii
- § 1:140 — —Idaho
- § 1:141 — —Illinois
- § 1:142 — —Indiana
- § 1:143 — —Iowa
- § 1:144 — —Kansas
- § 1:145 — —Kentucky
- § 1:146 — —Louisiana
- § 1:147 — —Maine
- § 1:148 — —Maryland
- § 1:149 — —Massachusetts
- § 1:150 — —Michigan
- § 1:151 — —Minnesota
- § 1:152 — —Mississippi
- § 1:153 — —Missouri
- § 1:154 — —Montana
- § 1:155 — —Nebraska
- § 1:156 — —Nevada
- § 1:157 — —New Hampshire
- § 1:158 — —New Jersey
- § 1:159 — —New Mexico
- § 1:160 — —New York
- § 1:161 — —North Carolina
- § 1:162 — —North Dakota
- § 1:163 — —Ohio
- § 1:164 — —Oklahoma
- § 1:165 — —Oregon

TABLE OF CONTENTS

| | |
|---------|--|
| § 1:166 | — —Pennsylvania |
| § 1:167 | — —Rhode Island |
| § 1:168 | — —South Carolina |
| § 1:169 | — —South Dakota |
| § 1:170 | — —Tennessee |
| § 1:171 | — —Texas |
| § 1:172 | — —Utah |
| § 1:173 | — —Vermont |
| § 1:174 | — —Virginia |
| § 1:175 | — —Washington |
| § 1:176 | — —West Virginia |
| § 1:177 | — —Wisconsin |
| § 1:178 | — —Wyoming |
| § 1:179 | Other tort-based causes of action |
| § 1:180 | —Common law remedies |
| § 1:181 | —Intentional infliction of emotional distress |
| § 1:182 | —Misrepresentation and deceit |
| § 1:183 | —Defamation |
| § 1:184 | —Invasion of privacy |
| § 1:185 | —Intentional interference with contractual relations |
| § 1:186 | —Negligence |
| § 1:187 | Drug testing |
| § 1:188 | Statutory remedies |
| § 1:189 | —State statutes |
| § 1:190 | — —Alabama |
| § 1:191 | — —Alaska |
| § 1:192 | — —Arizona |
| § 1:193 | — —Arkansas |
| § 1:194 | — —California |
| § 1:195 | — —Colorado |
| § 1:196 | — —Connecticut |
| § 1:197 | — —Delaware |
| § 1:198 | — —District of Columbia |
| § 1:199 | — —Florida |
| § 1:200 | — —Georgia |
| § 1:201 | — —Hawaii |
| § 1:202 | — —Idaho |
| § 1:203 | — —Illinois |
| § 1:204 | — —Indiana |
| § 1:205 | — —Iowa |
| § 1:206 | — —Kansas |
| § 1:207 | — —Kentucky |
| § 1:208 | — —Louisiana |
| § 1:209 | — —Maine |
| § 1:210 | — —Maryland |
| § 1:211 | — —Massachusetts |

- § 1:212 — —Michigan
- § 1:213 — —Minnesota
- § 1:214 — —Mississippi
- § 1:215 — —Missouri
- § 1:216 — —Montana
- § 1:217 — —Cases under Montana statute
- § 1:218 — —Nebraska
- § 1:219 — —Nevada
- § 1:220 — —New Hampshire
- § 1:221 — —New Jersey
- § 1:222 — —New Mexico
- § 1:223 — —New York
- § 1:224 — —North Carolina
- § 1:225 — —North Dakota
- § 1:226 — —Ohio
- § 1:227 — —Oklahoma
- § 1:228 — —Oregon
- § 1:229 — —Pennsylvania
- § 1:230 — —Rhode Island
- § 1:231 — —South Carolina
- § 1:232 — —South Dakota
- § 1:233 — —Tennessee
- § 1:234 — —Texas
- § 1:235 — —Utah
- § 1:236 — —Vermont
- § 1:237 — —Virginia
- § 1:238 — —Washington
- § 1:239 — —West Virginia
- § 1:240 — —Wisconsin
- § 1:241 — —Wyoming
- § 1:242 Federal statutes, rules and regulations
- § 1:243 — —The Employee Retirement Income Security Act of
1974 (ERISA)
- § 1:244 — —Actions to enforce statutory or fiduciary duties
- § 1:245 — —Actions to recover benefits
- § 1:246 — —The Employee Polygraph Protection Act of 1988
- § 1:247 — —The Worker Adjustment and Retraining
Notification Act (WARN)
- § 1:248 — —Family and Medical Leave Act of 1993 (FMLA)
- § 1:249 — —Uniformed Services Employment and
Reemployment Rights Act of 1994 (USERRA)
- § 1:250 Affirmative defenses
- § 1:251 — —Preemption
- § 1:252 — —Claims preclusion, issues preclusion
- § 1:253 — —Statute of frauds
- § 1:254 — —Statutes of limitation
- § 1:255 Claims by employers against employees

TABLE OF CONTENTS

§ 1:256 —Breach of fiduciary duty

III. PROBLEMS AND PREVENTION

- § 1:257 Problems and prevention, generally
- § 1:258 Job references
- § 1:259 Preemployment issues
- § 1:260 Manuals, handbooks, and policy statements
- § 1:261 Industrial due process
- § 1:262 Progressive discipline
- § 1:263 Alternative Dispute Resolution
- § 1:264 Grievance procedure
- § 1:265 —Arbitration
- § 1:266 Employer checklist

IV. LITIGATION PRACTICE

- § 1:267 Choice of forum and remedy
- § 1:268 Class actions
- § 1:269 Pendant jurisdiction
- § 1:270 Discovery in general
- § 1:271 Plaintiff's discovery
- § 1:272 Defendant's discovery
- § 1:273 Plaintiff's motion practice
- § 1:274 Defendant's motion practice
- § 1:275 Trial and hearing
- § 1:276 Evidentiary issues
- § 1:277 Discovery in general—Alabama
- § 1:278 —Alaska
- § 1:279 —Arizona
- § 1:280 —Arkansas
- § 1:281 —California
- § 1:282 —Colorado
- § 1:283 —Connecticut
- § 1:284 —Delaware
- § 1:285 —District of Columbia
- § 1:286 —Florida
- § 1:287 —Georgia
- § 1:288 —Hawaii
- § 1:289 —Idaho
- § 1:290 —Illinois
- § 1:291 —Indiana
- § 1:292 —Iowa
- § 1:293 —Kansas
- § 1:294 —Kentucky
- § 1:295 —Louisiana
- § 1:296 —Maine

- § 1:297 —Maryland
- § 1:298 —Massachusetts
- § 1:299 —Michigan
- § 1:300 —Minnesota
- § 1:301 —Mississippi
- § 1:302 —Missouri
- § 1:303 —Montana
- § 1:304 —Nebraska
- § 1:305 —Nevada
- § 1:306 —New Hampshire
- § 1:307 —New Jersey
- § 1:308 —New Mexico
- § 1:309 —New York
- § 1:310 —North Carolina
- § 1:311 —North Dakota
- § 1:312 —Ohio
- § 1:313 —Oklahoma
- § 1:314 —Oregon
- § 1:315 —Pennsylvania
- § 1:316 —Rhode Island
- § 1:317 —South Carolina
- § 1:318 —South Dakota
- § 1:319 —Tennessee
- § 1:320 —Texas
- § 1:321 —Utah
- § 1:322 —Vermont
- § 1:323 —Virginia
- § 1:324 —Washington
- § 1:325 —West Virginia
- § 1:326 —Wisconsin
- § 1:327 —Wyoming
- § 1:328 Jury issues
- § 1:329 Remedies
- § 1:330 —Attorney's fees
- § 1:331 Alternative dispute resolution after lawsuit is filed

V. FORMS AND MATERIALS

- § 1:332 Complaint—Breach of covenant of good faith and fair dealing, interference with contract, intentional and negligent infliction of emotional distress, loss of consortium
- § 1:333 —Form with jury claim, breach of employment contract, defamation, invasion of privacy, interference with advantageous relations, quantum meruit, violation of public policy
- § 1:334 —Form with multiple common law claims—Breach of

TABLE OF CONTENTS

| | |
|---------|--|
| | covenant of good faith and fair dealing, breach of |
| | employee handbook, violation of public policy, |
| | intentional infliction of emotional stress, violation of |
| | state civil rights, defamation, interference with |
| | advantageous contractual relations |
| § 1:335 | — —Form with whistleblowing and other claims |
| § 1:336 | Answer |
| § 1:337 | Motion to amend answer |
| § 1:338 | Defendant's motion to dismiss |
| § 1:339 | Defendant's memorandum in support of motion to dismiss |
| § 1:340 | Plaintiff's memorandum in opposition to defendant's motion to dismiss |
| § 1:341 | Defendant's motion for summary judgment |
| § 1:342 | —Another form |
| § 1:343 | —Memorandum in support of summary judgment motion |
| § 1:344 | — —Another form |
| § 1:345 | —Memorandum in opposition of summary judgment motion |
| § 1:346 | — —Another form |
| § 1:347 | Plaintiff's request for production of documents |
| § 1:348 | Plaintiff's first set of interrogatories |
| § 1:349 | —Another form |
| § 1:350 | Defendant's first set of interrogatories |
| § 1:351 | —Another set |
| § 1:352 | Defendant's first request for production of documents |
| § 1:353 | Plaintiff's proposed jury instructions |
| § 1:354 | —Multiple causes of action |
| § 1:355 | Miscellaneous jury instructions |
| § 1:356 | Model Employment Termination Act |

CHAPTER 2. COLLECTIVE BARGAINING: EMPLOYEE, UNION AND MANAGEMENT RIGHTS AND RESPONSIBILITIES

I. OVERVIEW

| | |
|-------|---|
| § 2:1 | The collective bargaining system: Law origins and development |
| § 2:2 | Early unions and doctrine of criminal conspiracy |
| § 2:3 | Transition from criminal conspiracy to conduct in restraint of trade |
| § 2:4 | The movement toward legislation regulating collective bargaining |
| § 2:5 | The transition of current labor law from the NIRA to the NLRA |

II. LAW AND REMEDIES

A. BASIC STATUTORY SCHEME OF REGULATING LABOR RELATIONS

§ 2:6 The National Labor Relations Act

B. THE ORGANIZATION PROCESS: THE SELECTION OF THE BARGAINING REPRESENTATIVE; REPRESENTATION PROCEEDINGS AND ELECTIONS

§ 2:7 Introduction and overview of bargaining

§ 2:8 Introduction and overview—Paid union organizers as employees

§ 2:9 Representation proceedings and elections

§ 2:10 Supervisors

§ 2:11 Authorization cards

§ 2:12 —Particular cases

C. THE COLLECTIVE BARGAINING PROCESS

§ 2:13 Introduction and overview of collective bargaining

§ 2:14 The duty to bargain—Exclusivity and good-faith bargaining

§ 2:15 Appropriate subjects for collective bargaining—Mandatory subjects

§ 2:16 —Permissive subjects

§ 2:17 —Illegal or nonnegotiable subjects

III. PROBLEMS AND PREVENTION

A. THE ENFORCEMENT OF COLLECTIVE BARGAINING RIGHTS

§ 2:18 The grievance and arbitration process

§ 2:19 —Arbitrability

§ 2:20 —Interrogation of employees, *Weingarten* rights

§ 2:21 Enforcement of agreement to arbitrate

§ 2:22 Suits for violation of collective bargaining agreements

§ 2:23 Suits to enforce arbitration awards

§ 2:24 Suits to vacate arbitration awards

§ 2:25 Suits to set aside collective bargaining agreements

§ 2:26 Suits to enforce collective bargaining agreements

B. THE FUNCTION AND OPERATION OF THE UNION

§ 2:27 Structure and operation of unions

TABLE OF CONTENTS

- § 2:28 Rights, duties, and obligations of members in general
- § 2:29 Union's duty to act impartially and without discrimination: duty of fair representation
- § 2:30 Individual rights in conflict with the union—Dues, fees, and assessments
- § 2:31 —Dues unrelated to union activities
- § 2:32 Union security and related matters
- § 2:33 —Internal union affairs
- § 2:34 —Superseniority

C. COLLECTIVE ACTION: STRIKES, BOYCOTTS AND PICKETING

- § 2:35 Introduction and definitions of strikes, boycotts and picketing
- § 2:36 Common situs picketing
- § 2:37 Recognitional picketing
- § 2:38 Handbilling
- § 2:39 Secondary boycott
- § 2:40 Withdrawal of recognition
- § 2:41 Decertification proceedings
- § 2:42 Reinstatement
- § 2:43 Shutdowns and lockouts

IV. LITIGATION PRACTICE

- § 2:44 National Labor Relations Board and proceedings
- § 2:45 Administration and jurisdiction of the NLRA—
Injunctions under Section 10(j)
- § 2:46 Definitions and limitations of coverage
- § 2:47 Joint employers
- § 2:48 Successor employer
- § 2:49 Disregarding corporate entity; piercing corporate veil
- § 2:50 Procedures in unfair labor practice cases
- § 2:51 —Violation of Section 8(a)(1)
- § 2:52 —Violation of Section 8(a)(2)
- § 2:53 —Violation of Section 8(a)(3)
- § 2:54 —Violation of Section 8(a)(4)
- § 2:55 —Violation of Section 8(a)(5)
- § 2:56 —Violation of Section 8(b)(1)
- § 2:57 —Violation of Section 8(b)(2)
- § 2:58 —Violation of Section 8(b)(3)
- § 2:59 —Violation of Section 8(b)(4)(A)
- § 2:60 —Violation of Section 8(b)(4)(B)
- § 2:61 —Violation of Section 8(b)(4)(C)
- § 2:62 —Violation of Section 8(b)(4)(D)
- § 2:63 —Violation of Section 8(b)(5)
- § 2:64 —Violation of Section 8(b)(6)

- § 2:65 —Violation of Section 8(b)(7)
- § 2:66 —Concerted action
- § 2:67 —Polling
- § 2:68 —Hot cargo contracts
- § 2:69 —Preemption
- § 2:70 —Particular cases
- § 2:71 Representation proceedings
- § 2:72 Procedure in representation cases—Prohibited conduct
by employers
- § 2:73 —Prohibited conduct by unions
- § 2:74 —Permitted conduct by employers
- § 2:75 —Permitted conduct by unions

V. FORMS AND MATERIALS

- § 2:76 Representation case procedures
- § 2:77 NLRB directory
- § 2:78 Commerce questionnaire
- § 2:79 Section 9 petition
- § 2:80 Consent election form
- § 2:81 —Stipulation for certification
- § 2:82 Election notice
- § 2:83 Union withdrawal request
- § 2:84 Request to proceed
- § 2:85 Employer notice of petition for investigation
- § 2:86 Charge against employer
- § 2:87 Notice of charge
- § 2:88 Hearing notice
- § 2:89 Summary of formal hearing procedures
- § 2:90 Notice of designation of agent
- § 2:91 Notice of appearance
- § 2:92 Appeal procedures
- § 2:93 Notice of appeal
- § 2:94 Memorandum in support of appeal
- § 2:95 Complaint against company for breach of collective
bargaining agreement and union for breach of duty of
fair representation in violation of § 301
- § 2:96 Plaintiff's first set of interrogatories to employer in
breach of collective bargaining agreement under § 301
and breach of duty of fair representation
- § 2:97 Plaintiff's first set of interrogatories to union in breach
of collective bargaining agreement under § 301 and
breach of duty of fair representation

CHAPTER 3. GRIEVANCES AND ARBITRATION

I. INTRODUCTION

- § 3:1 Scope of chapter

TABLE OF CONTENTS

§ 3:2 Grievance proceedings

II. LAW AND REMEDIES

- § 3:3 Introduction to grievances and arbitration
- § 3:4 Arbitration agreements
- § 3:5 Enforcement of agreement to arbitrate
- § 3:6 Enforcing the arbitration award: *Steelworkers'* trilogy
- § 3:7 Authority of arbitrators
- § 3:8 Construction and operation
- § 3:9 Function of the courts
- § 3:10 Court enforcement by injunction
- § 3:11 Jurisdiction, procedure, and remedies
- § 3:12 Defenses

III. PROBLEMS AND PREVENTION

- § 3:13 Introduction to issues between unions and management
- § 3:14 Breach of no-strike clause
- § 3:15 Grievances arising prior to collective bargaining agreements
- § 3:16 Grievances arising after collective bargaining agreement terminates
- § 3:17 Successor employers
- § 3:18 Effect of bankruptcy or reorganization
- § 3:19 Matters subject to arbitration under agreement
- § 3:20 Procedural issues
- § 3:21 Determining merits of grievances
- § 3:22 Frivolous grievances
- § 3:23 Particular disputes
- § 3:24 Strikes and slowdowns
- § 3:25 Concerted activities
- § 3:26 Working conditions, safety disputes
- § 3:27 Work assignments
- § 3:28 Work rules
- § 3:29 Transfers
- § 3:30 Contracting out work
- § 3:31 Promotions and demotions
- § 3:32 Hours
- § 3:33 Wages and bonuses
- § 3:34 Vacation, holidays, and sick leave
- § 3:35 Leaves of absence
- § 3:36 Absenteeism
- § 3:37 Classification and seniority rights
- § 3:38 Discipline
- § 3:39 Poor performance
- § 3:40 Fighting

- § 3:41 Layoffs and recalls
- § 3:42 Discharges
- § 3:43 —Just cause
- § 3:44 —Particular cases
- § 3:45 —Remedies
- § 3:46 Privacy rights
- § 3:47 —Drug testing
- § 3:48 Harassment
- § 3:49 Discrimination
- § 3:50 Sexual harassment
- § 3:51 Discipline or discharge for conduct outside employment
- § 3:52 Pensions and other benefits

IV. LITIGATION PRACTICE

- § 3:53 Introduction to litigation practice in arbitration proceedings
- § 3:54 Arbitration clause
- § 3:55 Evaluation of case
- § 3:56 Selecting the arbitrator
- § 3:57 Preparing the case
- § 3:58 Presentation of case
- § 3:59 Order of witnesses and testimony
- § 3:60 Examination and cross-examination of witnesses
- § 3:61 Use of documentary evidence
- § 3:62 Handling discipline and discharge cases
- § 3:63 Rules of evidence
- § 3:64 Posthearing memorandum
- § 3:65 Award
- § 3:66 —Enforcement of award
- § 3:67 —Grounds for impeachment or enforcement
- § 3:68 —Remedies
- § 3:69 Award that violates public policy
- § 3:70 Breach of duty of fair representation
- § 3:71 Section 301 of the Taft-Hartley Act and preemption

V. FORMS AND MATERIALS

- § 3:72 Complaint—To compel arbitration and enjoin strike
- § 3:73 —Section 301 hybrid suit against employer and union
- § 3:74 Application to vacate arbitration award
- § 3:75 Answer and counterclaim to confirm arbitration award
- § 3:76 Posthearing memorandum—Defendant
- § 3:77 —Plaintiff
- § 3:78 Memorandum to confirm arbitration award
- § 3:79 Memorandum to vacate arbitration award

Volume 2

CHAPTER 4. EMPLOYMENT DISCRIMINATION

I. IN GENERAL

- § 4:1 Scope of chapter
- § 4:2 Administrative agencies and proceedings
- § 4:3 State fair employment laws
- § 4:4 Remedies and procedures in general

II. LAWS AND REMEDIES

- § 4:5 Overlap of remedies and prohibitions
- § 4:6 Forbidden grounds for discrimination in general
- § 4:7 Civil Rights Acts of 1866 to 1871
- § 4:8 —Covered parties
- § 4:9 —Class actions
- § 4:10 —Prohibited acts
- § 4:11 —Retaliation
- § 4:12 —Procedure
- § 4:13 —Discovery
- § 4:14 —Burden of proof, defenses
- § 4:15 — —First Circuit
- § 4:16 — —Second Circuit
- § 4:17 — —Third Circuit
- § 4:18 — —Fourth Circuit
- § 4:19 — —Fifth Circuit
- § 4:20 — —Sixth Circuit
- § 4:21 — —Seventh Circuit
- § 4:22 — —Eighth Circuit
- § 4:23 — —Ninth Circuit
- § 4:24 — —Tenth Circuit
- § 4:25 — —Eleventh Circuit
- § 4:26 — —District of Columbia Circuit
- § 4:27 —Evidence
- § 4:28 —Jury issues
- § 4:29 —Remedies
- § 4:30 Title VII of the Civil Rights Act of 1964
- § 4:31 —Covered parties
- § 4:32 —Class actions
- § 4:33 —Prohibited acts
- § 4:34 —Retaliation
- § 4:35 —Procedure
- § 4:36 —Discovery

| | |
|--------|--------------------------------------|
| § 4:37 | —Burden of proof, defenses |
| § 4:38 | — —First Circuit |
| § 4:39 | — —Second Circuit |
| § 4:40 | — —Third Circuit |
| § 4:41 | — —Fourth Circuit |
| § 4:42 | — —Fifth Circuit |
| § 4:43 | — —Sixth Circuit |
| § 4:44 | — —Seventh Circuit |
| § 4:45 | — —Eighth Circuit |
| § 4:46 | — —Ninth Circuit |
| § 4:47 | — —Tenth Circuit |
| § 4:48 | — —Eleventh Circuit |
| § 4:49 | — —District of Columbia Circuit |
| § 4:50 | —Evidence |
| § 4:51 | —After-acquired evidence |
| § 4:52 | —Jury issues |
| § 4:53 | —Remedies |
| § 4:54 | — —Punitive damages |
| § 4:55 | Civil Rights Act of 1991 |
| § 4:56 | Equal Pay Act of 1963 |
| § 4:57 | —Covered parties |
| § 4:58 | —Class actions |
| § 4:59 | —Prohibited acts |
| § 4:60 | —Retaliation |
| § 4:61 | —Procedure |
| § 4:62 | —Discovery |
| § 4:63 | —Burden of proof, defenses |
| § 4:64 | — —First Circuit |
| § 4:65 | — —Second Circuit |
| § 4:66 | — —Third Circuit |
| § 4:67 | — —Fourth Circuit |
| § 4:68 | — —Fifth Circuit |
| § 4:69 | — —Sixth Circuit |
| § 4:70 | — —Seventh Circuit |
| § 4:71 | — —Eighth Circuit |
| § 4:72 | — —Ninth Circuit |
| § 4:73 | — —Tenth Circuit |
| § 4:74 | — —Eleventh Circuit |
| § 4:75 | — —District of Columbia Circuit |
| § 4:76 | — —Federal Circuit |
| § 4:77 | —Evidence |
| § 4:78 | —Jury issues |
| § 4:79 | —Remedies |
| § 4:80 | Age Discrimination in Employment Act |
| § 4:81 | —Covered parties |
| § 4:82 | —Class actions |

TABLE OF CONTENTS

| | |
|---------|---|
| § 4:83 | —Prohibited acts |
| § 4:84 | —Retaliation |
| § 4:85 | —Older Workers Benefit Protection Act |
| § 4:86 | —Settlement agreement and release—Sample form |
| § 4:87 | —Procedure |
| § 4:88 | —Discovery |
| § 4:89 | —Burden of proof, defenses |
| § 4:90 | — —First Circuit |
| § 4:91 | — —Second Circuit |
| § 4:92 | — —Third Circuit |
| § 4:93 | — —Fourth Circuit |
| § 4:94 | — —Fifth Circuit |
| § 4:95 | — —Sixth Circuit |
| § 4:96 | — —Seventh Circuit |
| § 4:97 | — —Eighth Circuit |
| § 4:98 | — —Ninth Circuit |
| § 4:99 | — —Tenth Circuit |
| § 4:100 | — —Eleventh Circuit |
| § 4:101 | — —District of Columbia Circuit |
| § 4:102 | —Evidence |
| § 4:103 | —After-acquired evidence |
| § 4:104 | —Jury issues |
| § 4:105 | —Remedies |
| § 4:106 | — —Liquidated damages |
| § 4:107 | Executive Order No. 11246—Office of Federal Contract Compliance Programs |
| § 4:108 | Rehabilitation Act of 1973 |
| § 4:109 | —Covered parties |
| § 4:110 | —Class actions |
| § 4:111 | —Prohibited acts |
| § 4:112 | —Retaliation |
| § 4:113 | —Procedure |
| § 4:114 | —Discovery |
| § 4:115 | —Burden of proof, defenses |
| § 4:116 | —Evidence |
| § 4:117 | —Jury issues |
| § 4:118 | —Remedies |
| § 4:119 | Prohibitions under the Vietnam Era Veterans’ Readjustment Act of 1977 |
| § 4:120 | —Covered parties |
| § 4:121 | —Procedure |
| § 4:122 | —Remedies |
| § 4:123 | Immigration Reform and Control Act of 1986 |
| § 4:124 | —Covered parties |
| § 4:125 | —Prohibited acts |
| § 4:126 | —Retaliation |
| § 4:127 | —Procedure |

- § 4:128 —Discovery
- § 4:129 —Burden of proof, defenses
- § 4:130 —Evidence
- § 4:131 —Remedies
- § 4:132 Americans with Disabilities Act
- § 4:133 —Covered parties
- § 4:134 —Class actions
- § 4:135 —Substantially limits
- § 4:136 —Essential functions of the job
- § 4:137 —Regarded as
- § 4:138 —Record of impairment
- § 4:139 —Major life activities
- § 4:140 —Undue hardship
- § 4:141 —Association with disabled person
- § 4:142 —Effect of disability representations in benefits application
- § 4:143 —Prohibited acts
- § 4:144 —Retaliation
- § 4:145 —Procedure
- § 4:146 —Discovery
- § 4:147 —Burden of proof, defenses
- § 4:148 — —First Circuit
- § 4:149 — —Second Circuit
- § 4:150 — —Third Circuit
- § 4:151 — —Fourth Circuit
- § 4:152 — —Fifth Circuit
- § 4:153 — —Sixth Circuit
- § 4:154 — —Seventh Circuit
- § 4:155 — —Eighth Circuit
- § 4:156 — —Ninth Circuit
- § 4:157 — —Tenth Circuit
- § 4:158 — —Eleventh Circuit
- § 4:159 — —District of Columbia Circuit
- § 4:160 —Direct threat defense
- § 4:161 —Evidence
- § 4:162 —Jury issues
- § 4:163 —Remedies
- § 4:164 —Reasonable accommodation
- § 4:165 — —First Circuit
- § 4:166 — —Second Circuit
- § 4:167 — —Third Circuit
- § 4:168 — —Fourth Circuit
- § 4:169 — —Fifth Circuit
- § 4:170 — —Sixth Circuit
- § 4:171 — —Seventh Circuit
- § 4:172 — —Eighth Circuit

TABLE OF CONTENTS

| | |
|---------|---------------------------------|
| § 4:173 | — —Ninth Circuit |
| § 4:174 | — —Tenth Circuit |
| § 4:175 | — —Eleventh Circuit |
| § 4:176 | — —District of Columbia Circuit |
| § 4:177 | — —Federal Circuit |

III. PROBLEMS AND PREVENTION

A. IN GENERAL

| | |
|---------|---|
| § 4:178 | Introduction to employment discrimination problems and prevention |
| § 4:179 | Alternative dispute resolution |
| § 4:180 | Grievance procedure |
| § 4:181 | Compulsory arbitration |
| § 4:182 | Affirmative action or reverse discrimination |
| § 4:183 | —First Circuit |
| § 4:184 | —Second Circuit |
| § 4:185 | —Third Circuit |
| § 4:186 | —Fourth Circuit |
| § 4:187 | —Fifth Circuit |
| § 4:188 | —Sixth Circuit |
| § 4:189 | —Seventh Circuit |
| § 4:190 | —Eighth Circuit |
| § 4:191 | —Ninth Circuit |
| § 4:192 | —Tenth Circuit |
| § 4:193 | —Eleventh Circuit |
| § 4:194 | —District of Columbia |
| § 4:195 | Investigating complaints |

B. DISCRIMINATORY HIRING, JOB REFERRALS, ADVERTISING, OR TESTING

| | |
|---------|---|
| § 4:196 | Hiring |
| § 4:197 | —Possible defendants |
| § 4:198 | — —Employment agencies, newspapers |
| § 4:199 | Educational requirements, ability tests |
| § 4:200 | —First Circuit |
| § 4:201 | —Second Circuit |
| § 4:202 | —Third Circuit |
| § 4:203 | —Fourth Circuit |
| § 4:204 | —Fifth Circuit |
| § 4:205 | —Sixth Circuit |
| § 4:206 | —Seventh Circuit |
| § 4:207 | —Eighth Circuit |
| § 4:208 | —Ninth Circuit |
| § 4:209 | —Tenth Circuit |
| § 4:210 | —Eleventh Circuit |

- § 4:211 —District of Columbia Circuit
- § 4:212 —Test validation
- § 4:213 Discriminatory interview questions or application forms
- § 4:214 Interviewing job applicants with disabilities
- § 4:215 Other discriminatory criteria or procedures
- § 4:216 Hiring checklist

C. DISCRIMINATION ON THE JOB: COMPENSATION, PROMOTION, WORKING CONDITIONS

- § 4:217 Compensation and benefits
- § 4:218 Promotion, demotion, and transfer
- § 4:219 Seniority or merit system
- § 4:220 Disciplinary action
- § 4:221 Leaves of absence
- § 4:222 Sexual harassment
 - § 4:223 —Written sexual harassment policy
 - § 4:224 —Hostile environment
 - § 4:225 —Affirmative defense to sexual harassment
 - § 4:226 —First Circuit
 - § 4:227 —Second Circuit
 - § 4:228 —Third Circuit
 - § 4:229 —Fourth Circuit
 - § 4:230 —Fifth Circuit
 - § 4:231 —Sixth Circuit
 - § 4:232 —Seventh Circuit
 - § 4:233 —Eighth Circuit
 - § 4:234 —Ninth Circuit
 - § 4:235 —Tenth Circuit
 - § 4:236 —Eleventh Circuit
 - § 4:237 —District of Columbia Circuit
- § 4:238 Harassment—Employer liability for a supervisor's hostile environment sexual harassment claim
 - § 4:239 —Nonsexual harassment claims
 - § 4:240 — —First Circuit
 - § 4:241 — —Second Circuit
 - § 4:242 — —Third Circuit
 - § 4:243 — —Fourth Circuit
 - § 4:244 — —Fifth Circuit
 - § 4:245 — —Sixth Circuit
 - § 4:246 — —Seventh Circuit
 - § 4:247 — —Eighth Circuit
 - § 4:248 — —Ninth Circuit
 - § 4:249 — —Tenth Circuit
 - § 4:250 — —Eleventh Circuit

TABLE OF CONTENTS

| | |
|---------|-------------------------------------|
| § 4:251 | — —District of Columbia Circuit |
| § 4:252 | Sexual orientation discrimination |
| § 4:253 | —First Circuit |
| § 4:254 | —Second Circuit |
| § 4:255 | —Third Circuit |
| § 4:256 | —Fourth Circuit |
| § 4:257 | —Fifth Circuit |
| § 4:258 | —Sixth Circuit |
| § 4:259 | —Seventh Circuit |
| § 4:260 | —Eighth Circuit |
| § 4:261 | —Ninth Circuit |
| § 4:262 | —Tenth Circuit |
| § 4:263 | —Eleventh Circuit |
| § 4:264 | —District of Columbia Circuit |
| § 4:265 | —Federal Circuit |
| § 4:266 | —State cases |
| § 4:267 | Religious discrimination |
| § 4:268 | —First Circuit |
| § 4:269 | —Second Circuit |
| § 4:270 | —Third Circuit |
| § 4:271 | —Fourth Circuit |
| § 4:272 | —Fifth Circuit |
| § 4:273 | —Sixth Circuit |
| § 4:274 | —Seventh Circuit |
| § 4:275 | —Eighth Circuit |
| § 4:276 | —Ninth Circuit |
| § 4:277 | —Tenth Circuit |
| § 4:278 | —Eleventh Circuit |
| § 4:279 | —District of Columbia Circuit |
| § 4:280 | On-the-job discrimination checklist |

D. DISCRIMINATORY DISCHARGES

| | |
|---------|---|
| § 4:281 | Discriminatory termination—Discharge or lay off |
| § 4:282 | —Constructive discharge |
| § 4:283 | Retaliatory discharge |
| § 4:284 | Discriminatory discharge checklist |

IV. LITIGATION PRACTICE

A. PLAINTIFF’S OR COMPLAINANT’S CASE

| | |
|---------|---|
| § 4:285 | Choice of statute, forum and remedy |
| § 4:286 | Multiple remedies |
| § 4:287 | Referral to expert labor counsel |
| § 4:288 | Initial client interview |
| § 4:289 | —Employment, retainer and fee agreement |
| § 4:290 | —Sample fee agreement |

- § 4:291 Client interview checklist
- § 4:292 Discovery
- § 4:293 —Using administrative procedures and findings
- § 4:294 —Electronic discovery
- § 4:295 Interrogatories and depositions
- § 4:296 Statistical evidence
- § 4:297 Preparation of witnesses
- § 4:298 Ex parte communications with former employees
- § 4:299 Communications in class actions
- § 4:300 Summary judgment and motion practice—Plaintiff
- § 4:301 Settlement
- § 4:302 Trial notebook
- § 4:303 Attorney’s fees—Introduction
- § 4:304 —Factors the court considers
- § 4:305 —Lodestar figure
- § 4:306 —Contingency fees
- § 4:307 —Public policy considerations
- § 4:308 —Awards to defendants
- § 4:309 —Federal statutes providing for attorney’s fees
- § 4:310 Case preparation checklist

B. DEFENDANT’S CASE

- § 4:311 Initial client interview
- § 4:312 Interrogatories and depositions
- § 4:313 Use of statistics
- § 4:314 Summary judgment and motion practice
- § 4:315 Rule 11 sanctions
- § 4:316 Counterclaims
- § 4:317 Trial notebook

V. FORMS AND MATERIALS

A. COMPLAINTS

- § 4:318 Complaint with jury claim—Form 1
- § 4:319 —Form 2
- § 4:320 —Form 3
- § 4:321 Complaint for disability discrimination

B. ANSWERS

- § 4:322 Answer

C. MOTIONS

- § 4:323 Motion to dismiss—Title VII claim, ADEA claim
- § 4:324 —Supporting memorandum
- § 4:325 —Memorandum in opposition to motion to dismiss

TABLE OF CONTENTS

- § 4:326 Motion for summary judgment—ADEA, claim and pendent state claims
- § 4:327 —Supporting memorandum
- § 4:328 —Opposition to summary judgment

D. REQUESTS FOR PRODUCTION OF DOCUMENTS

- § 4:329 Requests for production of documents—Age and race discrimination—By plaintiff
- § 4:330 — —By defendant
- § 4:331 —Disability discrimination—By plaintiff
- § 4:332 — —By defendant
- § 4:333 —Sex discrimination—By plaintiff
- § 4:334 — —By defendant

E. INTERROGATORIES

- § 4:335 Interrogatories—Age and race discrimination—By plaintiff
- § 4:336 — —By defendant
- § 4:337 —Disability discrimination—By plaintiff
- § 4:338 — —By defendant
- § 4:339 —Sex discrimination—By plaintiff
- § 4:340 — —By defendant

F. JURY INSTRUCTIONS

- § 4:341 Jury instructions—42 U.S.C.A. § 1981—Requested by plaintiff
- § 4:342 — —Special verdict
- § 4:343 — —Proposed by defendant
- § 4:344 —Age discrimination—Plaintiff's instructions
- § 4:345 — —Plaintiff's special jury questions
- § 4:346 — —Requested by defendant
- § 4:347 —Disability discrimination—Plaintiff's instructions
- § 4:348 — —Plaintiff's special jury questions
- § 4:349 — —Defendant's instructions
- § 4:350 — —Failure to Accommodate
- § 4:351 — — —Special questions
- § 4:352 — —Termination
- § 4:353 Sex discrimination—Plaintiff's instructions
- § 4:354 Jury instructions—Sex discrimination—Plaintiff's special jury questions
- § 4:355 — —Defendant's instructions
- § 4:356 —Retaliation—Special jury questions
- § 4:357 —Retaliation and sexual harassment—Special jury questions

G. MISCELLANEOUS

- § 4:358 Plaintiff's motion for attorney's fees
- § 4:359 —Affidavit in support of motion

Volume 3

CHAPTER 5. WAGE AND HOUR LAW

I. INTRODUCTION

- § 5:1 Scope of chapter
- § 5:2 Historical overview

II. LAW AND REMEDIES

- § 5:3 Overview of the Federal Labor Standards Act
- § 5:4 Coverage defined
- § 5:5 Definition of "enterprise"
- § 5:6 Definition of "employer"
- § 5:7 —Individual liability
- § 5:8 — —First Circuit
- § 5:9 — —Second Circuit
- § 5:10 — —Third Circuit
- § 5:11 — —Fourth Circuit
- § 5:12 — —Fifth Circuit
- § 5:13 — —Sixth Circuit
- § 5:14 — —Seventh Circuit
- § 5:15 — —Eighth Circuit
- § 5:16 — —Ninth Circuit
- § 5:17 — —Tenth Circuit
- § 5:18 — —Eleventh Circuit
- § 5:19 — —District of Columbia Circuit
- § 5:20 —Public sector employers
- § 5:21 Covered employees
- § 5:22 Working time
- § 5:23 Work week defined
- § 5:24 Preliminary or postliminary activities
- § 5:25 Minimum wages and overtime pay
- § 5:26 Regular rate
- § 5:27 Compensatory time
- § 5:28 Salary basis regulation
- § 5:29 Tips
- § 5:30 Child labor
- § 5:31 Records and reports
- § 5:32 —Information to be recorded
- § 5:33 Retaliation

TABLE OF CONTENTS

| | |
|--------|---------------------------------|
| § 5:34 | Discovery |
| § 5:35 | Burden of proof—Defenses |
| § 5:36 | — —First Circuit |
| § 5:37 | — —Second Circuit |
| § 5:38 | — —Third Circuit |
| § 5:39 | — —Fourth Circuit |
| § 5:40 | — —Fifth Circuit |
| § 5:41 | — —Sixth Circuit |
| § 5:42 | — —Seventh Circuit |
| § 5:43 | — —Eighth Circuit |
| § 5:44 | — —Ninth Circuit |
| § 5:45 | — —Tenth Circuit |
| § 5:46 | — —Eleventh Circuit |
| § 5:47 | — —District of Columbia Circuit |
| § 5:48 | — —Federal Circuit |
| § 5:49 | Evidence |
| § 5:50 | Jury issues |
| § 5:51 | Remedies |
| § 5:52 | —Injunctive relief |
| § 5:53 | —Back wage relief |
| § 5:54 | —Reinstatement |
| § 5:55 | —Liquidated damages |
| § 5:56 | —Costs and attorney’s fees |
| § 5:57 | State wage and hour laws |
| § 5:58 | —Alabama |
| § 5:59 | —Alaska |
| § 5:60 | —Arizona |
| § 5:61 | —Arkansas |
| § 5:62 | —California |
| § 5:63 | —Colorado |
| § 5:64 | —Connecticut |
| § 5:65 | —Delaware |
| § 5:66 | —District of Columbia |
| § 5:67 | —Florida |
| § 5:68 | —Georgia |
| § 5:69 | —Hawaii |
| § 5:70 | —Idaho |
| § 5:71 | —Illinois |
| § 5:72 | —Indiana |
| § 5:73 | —Iowa |
| § 5:74 | —Kansas |
| § 5:75 | —Kentucky |
| § 5:76 | —Louisiana |
| § 5:77 | —Maine |
| § 5:78 | —Maryland |
| § 5:79 | —Massachusetts |

- § 5:80 —Michigan
- § 5:81 —Minnesota
- § 5:82 —Mississippi
- § 5:83 —Missouri
- § 5:84 —Montana
- § 5:85 —Nebraska
- § 5:86 —Nevada
- § 5:87 —New Hampshire
- § 5:88 —New Jersey
- § 5:89 —New Mexico
- § 5:90 —New York
- § 5:91 —North Carolina
- § 5:92 —North Dakota
- § 5:93 —Ohio
- § 5:94 —Oklahoma
- § 5:95 —Oregon
- § 5:96 —Pennsylvania
- § 5:97 —Rhode Island
- § 5:98 —South Carolina
- § 5:99 —South Dakota
- § 5:100 —Tennessee
- § 5:101 —Texas
- § 5:102 —Utah
- § 5:103 —Vermont
- § 5:104 —Virginia
- § 5:105 —Washington
- § 5:106 —West Virginia
- § 5:107 —Wisconsin
- § 5:108 —Wyoming

III. PROBLEMS AND PREVENTION

- § 5:109 Exemptions
- § 5:110 —Blue collar workers
- § 5:111 —Police, fire fighters, paramedics, and other first responders
- § 5:112 —Other laws and collective bargaining agreements
- § 5:113 —Sample salary basis policy
- § 5:114 —Executives
- § 5:115 — —Salary basis
- § 5:116 — —Primary duty
- § 5:117 —Administrators
- § 5:118 — —Exercise of discretion and independent judgment
- § 5:119 — —Fee basis
- § 5:120 —Professionals
- § 5:121 —Outside salespersons
- § 5:122 —Retail or service establishments

TABLE OF CONTENTS

- § 5:123 —Motor Carrier Act
- § 5:124 —Other

IV. LITIGATION PRACTICE

- § 5:125 Enforcement by the United States Department of Labor
- § 5:126 Authority and procedures for investigation and enforcement
- § 5:127 Suits by the department
- § 5:128 Enforcement by employees
- § 5:129 Class/collective actions
- § 5:130 —Class Action Fairness Act
- § 5:131 —First Circuit
- § 5:132 —Second Circuit
- § 5:133 —Third Circuit
- § 5:134 —Fourth Circuit
- § 5:135 —Fifth Circuit
- § 5:136 —Sixth Circuit
- § 5:137 —Seventh Circuit
- § 5:138 —Eighth Circuit
- § 5:139 —Ninth Circuit
- § 5:140 —Tenth Circuit
- § 5:141 —Eleventh Circuit
- § 5:142 —District of Columbia Circuit
- § 5:143 —Federal Circuit
- § 5:144 —Settlement, fairness hearing
- § 5:145 Miscellaneous enforcement matters
- § 5:146 Offenses and prosecutions
- § 5:147 Statutes of limitations
- § 5:148 Employer defenses
- § 5:149 Joint employer liability
- § 5:150 Successor employer liability

V. FORMS AND MATERIALS

A. COMPLAINTS

- § 5:151 Complaint—FLSA—Overtime
- § 5:152 — —Class action complaint
- § 5:153 — — —Motion for conditional certification and court authorized notice
- § 5:154 — — — —Notice
- § 5:155 — — — — —Another form
- § 5:156 — — — — —Defendants' opposition to plaintiffs' motion for conditional certification, discovery, and notice
- § 5:157 —FLSA and state law—Class action complaint

- § 5:158 — — —Combined FLSA and state wage and hour
claims and retaliation

B. ANSWERS

- § 5:159 Answer to class action complaint
§ 5:160 Defendant's motion to amend answer

C. MOTIONS

- § 5:161 Motion to dismiss
§ 5:162 Motion for summary judgment
§ 5:163 —Memorandum in opposition to plaintiff's motion for
summary judgment

D. DISCOVERY

- § 5:164 Plaintiff's request for production of documents—Class
action
§ 5:165 — — —Another form
§ 5:166 Defendants' request for production of documents
§ 5:167 Interrogatories—Plaintiff's first set of interrogatories
§ 5:168 —Plaintiff's second set of interrogatories
§ 5:169 —Defendants' first set of interrogatories

E. JURY INSTRUCTIONS

- § 5:170 Plaintiff's request for jury instructions
§ 5:171 Collective action jury instructions—Jury charge
§ 5:172 —Verdict form

F. MISCELLANEOUS

- § 5:173 Attorney's fees—Plaintiff's motion for attorney's fees
§ 5:174 — — —Plaintiff's memorandum in support of motion for
attorney's fees
§ 5:175 — — —Defendants' memorandum in opposition to
motion for attorney's fees
§ 5:176 —Court order on attorney's fees
§ 5:177 — — —Another form
§ 5:178 Settlement agreement—Second amended settlement
agreement
§ 5:179 —Order approving class action settlement agreement

Table of Laws and Rules

Table of Cases

Index