

PRESS RELEASE

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**Farrell Fritz, P.C. Wins Defense Verdict for Delgado Travel in Class Action
Jury Trial for Off-the-Clock Wages**

The Honorable Harold Baer (SDNY 07-cv-2579) presided over a six-day trial that ended with a defense verdict on April 3, 2009. This verdict is especially significant because it highlights how a defendant-employer can prevail without traditional time records and overcome the testimonial evidence of plaintiffs.

In a landmark decision in the Southern District of New York, Farrell Fritz, P.C. successfully defended Delgado Travel in an off-the-clock wage and hour class action lawsuit brought by current and former employees. Nine named plaintiffs filed the action on behalf of a class action member pool estimated to include approximately 700 current and former employees. Damages sought included wages dating back to 2001 and attorneys' fees; in total these could have resulted in many millions of dollars in liquidated damages. Delgado Travel is a family-run travel agency and money remittance business headquartered in Jackson Heights, New York with over 30 locations throughout the New York metropolitan area. The company, which employs approximately 200 travel agents and cashiers, primarily services Hispanic communities throughout the region. Plaintiffs commenced this action against the company alleging violations of the Fair Labor Standards Act ("FLSA") and New York State Labor Law ("NYLL") on behalf of all travel agents and cashiers. After a six-day trial, which concluded on April 3, 2009, the jury returned a verdict in favor of Delgado Travel.

Plaintiffs claimed that Delgado Travel did not pay its employees for all hours worked. The lawsuit centered on Plaintiffs' allegations that they were required to stay past store hours in order to service clients, complete paperwork, and wait for armored truck pick-ups. Plaintiffs also claimed they did not receive premium pay for their overtime hours worked.

Delgado Travel denied Plaintiffs' claims and maintained that travel employees were properly paid for all hours worked. Although Delgado Travel did not maintain traditional time records for much of the relevant time period (2001 to the present), Farrell Fritz was able to set forth the company's defense through an array of business records, time sheets and payroll records. By piecing all of these records together, Delgado Travel clearly showed that employees were, in fact, paid for all hours worked.

In addition to using the weekly payroll records, for example, the company relied on transaction reports generated by the employees throughout the course of their work day. The transaction reports were electronically time-stamped, showing the last transaction of each employee. The company also relied on armored truck receipts, which were maintained by an independent armored truck company, showing the times of daily pick-ups. These records, along with many others, successfully rebutted Plaintiffs' claims that they were paid fewer hours than they worked.

Delgado Travel was represented by Farrell Fritz, P.C. partner and leader of the firm's labor and employment practice group, **Domenique Camacho Moran**, and litigation associate **Heather P. Harrison**.

About Farrell Fritz

Farrell Fritz is a full service law firm that has earned a strong reputation in the New York business community. Highly respected for its experience in many areas of law, Farrell Fritz handles legal matters in the areas of corporate and banking; creditors' rights and bankruptcy; distressed assets; environmental law; health care; labor and employment; land use, municipal and zoning litigation; real estate; tax; and trusts and estates for a variety of corporations, not-for-profit organizations and individuals. For more information, please visit our website at www.farrellfritz.com.