



California Appellate Court Overturns \$15 Million Overtime Class Action Judgment

February 10, 2012

In *Duran v. U.S. Bank National Association*, the California Court of Appeal, First Appellate District, overturned a \$15 million judgment against U.S. Bank ("USB") entered in a case tried before Alameda County Superior Court Judge Robert Freedman. In its lengthy and very detailed opinion, the court shredded all the major trial management and evidentiary rulings made by the trial court, holding that its use of flawed statistical evidence and refusal to admit relevant testimony in support of USB's defense of exempt status denied USB its right to due process. In the first California appellate decision to apply the U.S. Supreme Court's 2011 *Wal-Mart Stores v. Dukes* decision, the court determined that the trial management plan was a fatally flawed exercise in "Trial by Formula." As a final repudiation of the trial court's rulings, the *Duran* court also ruled that the class should be decertified. To learn more about the decision and its potential implications for employers, please continue reading Littler's ASAP, ["Trial by Formula" Rejected and \\$15M Overtime Judgment Overturned](#), by [Diane Kimberlin](#).

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