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**FEDERAL COURT DENIES CLASS CERTIFICATION IN EMPLOYMENT
RECLASSIFICATION CASE**

Earlier this week in a case litigated by the Scopelitis Firm involving allegations that a logistics company and retailer misclassified delivery drivers and helpers as independent contractors, the United States District Court for New Jersey denied class certification and clarified the appropriate application of New Jersey's ABC Test in the joint employment context.

The plaintiffs—composed of individuals hired by an independent contractors operating under the logistics company's motor carrier authority and one plaintiff who contracted directly with the logistics company as an independent contractor—requested certification of a class composed of individuals who worked as truck drivers or helpers delivering the retailer's product from New Jersey to locations throughout the Northeast.

In denying plaintiffs' class certification motion, the court emphasized that deposition testimony illustrated variations between each plaintiff's experiences that precluded a class wide finding of liability. The court also rejected plaintiffs' overture to apply the New Jersey ABC Test alone to determine the employment status of the drivers and helpers after concluding that a determination of *who employed* the drivers and helpers must occur before analyzing proper classification as a non-employee under the ABC Test.

The court indicated the determination would require a distinct joint employer analysis before the drivers and helpers could argue they were misclassified under the ABC Test. Such a favorable ruling on class certification and rejection of plaintiffs' invitation to apply the ABC Test alone where allegations of joint employment exist may prove helpful to others in the transportation industry facing similar claims in the future.

For additional information please contact Andy Butcher (abutcher@scopelitis.com) in the Scopelitis firm's Washington, D.C. office at 202-551-9030.