

EMPLOYMENT LAW UPDATE

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California Law

An Employee Was Awarded Reasonable Attorneys' Fees on a Successful Wage Claim.

Harrington v. Payroll Entertainment Services, Inc. (C.A. 2nd, Feb. 28, 2008) B198883

By John S. Hong and Jason A. Geller

The Second Appellate District held that a plaintiff who prevails in a lawsuit by recovering \$44.63 in unpaid overtime is entitled to reasonable attorney's fees as a matter of law, but that the \$46,277 in fees sought by the plaintiff was not reasonable.

In *Harrington*, Plaintiff Harrington (an off-duty police officer) was underpaid by \$44.63 in overtime for traffic and crowd control services on the set of a Hollywood movie. On behalf of all the off-duty officers who provided same services, Harrington filed a class action for the total amount of \$714.08. The court denied class certification. The case settled for \$10,500 and the parties stipulated that Harrington was the "prevailing party" for purposes of an attorney fee award. According to supporting documentation, Harrington thereafter sought \$46,277 in fees as the prevailing party.

The court found that pursuant to Labor Code Section 2699, Harrington was entitled to an award of **reasonable** fees as a matter of right. The court stated, however, that "there is no way on earth this case justified the hours purportedly

billed by Harrington's lawyers." The reasoning provided was brief. "Given the nature of the dispute, the amount of the settlement, and the record on appeal, we are satisfied that the trial court could not reasonably award an amount in excess of \$500, and thus fix the fee at that amount."

In so holding, the appellate court denied remand to determine a reasonable fee.