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Novack and Macey Attorneys Win Complete Victory in Putative Class Action under Fair Labor Standards Act and Illinois Minimum Wage Law

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Steve Novack

Novack and Macey attorneys [Steve Novack](#), [Courtney Tedrowe](#) and [Andrew Shelby](#) have once again obtained a complete victory for the owner of a poultry processing plant, who had been accused in a putative class action of failing to pay overtime as required under the United States Fair Labor Standards Act (the “FLSA”) and the Illinois Minimum Wage Law (the “IMWL”).

The plaintiffs, unionized poultry processors, alleged that the owner had failed to pay for the time they spent changing protective clothing before and after their shifts and during meal breaks, and brought individual claims under the FLSA and a putative class action under the IMWL.



Courtney Tedrowe

In an earlier split decision, the United States Court of Appeals for the Seventh Circuit affirmed entry of summary judgment in favor of the owner, finding that the FLSA and IMWL do not require the claimed compensation. The plaintiffs petitioned for a rehearing of their appeal by the entire Court, *en banc*.

After briefing, Novack and Macey succeeded in convincing a majority of the Court to deny that request. The final vote was 6-4, and the process led to what Judge Posner described as a “rare” published dissent from the denial and a “virtually unheard of” concurrence in response to the dissent. [Link to opinions](#).



Andrew Shelby

For more information contact Novack and Macey at (312) 419-6900 or info@novackmacey.com.

To read coverage of this case in the *Chicago Daily Law Bulletin*, [click here](#). To read the *Law 360* article about this case, [click here](#).