

PetSmart To Pay \$2.4M To End Dog Groomers' Wage Suit

By **Adam Lidgett**

Law360 (April 4, 2019, 3:42 PM EDT) -- A California federal judge has given the initial OK to a \$2.42 million deal to settle claims in two class action lawsuits that accused PetSmart Inc. of shorting more than 6,800 of its Golden State grooming salon workers on pay.

U.S. District Judge Stephen V. Wilson on Tuesday granted preliminary approval of a class action settlement that would resolve dog groomers Lea Smadja's and Andrew Rodriguez's suits brought on behalf of 6,818 current and former salon associates. The judge, who also conditionally certified the class Tuesday, said the deal was "fair and reasonable" for the class members and that the settlement would allow the parties to bypass having to deal with costs and risks that would come about should the litigation move forward.

"The court further finds that significant investigation, research, litigation, formal and informal discovery have been conducted such that counsel for the parties are able to reasonably evaluate their respective positions," the judge said.

The deal would bring an end to both Smadja's and Rodriguez's cases, which were brought on behalf of a class of salon leaders, pet stylists, stylists in training and bathers, they said in their March bid for preliminary approval. The suits, which made claims under the California Labor Code, were originally filed in state court before the company removed them to two different federal courts, court records show.

Smadja and Rodriguez had lobbed a variety of claims at PetSmart, including allegations that instead of being paid for all the time they actually worked, the company engaged in a scheme to pay them only "piece-rate or commission" for the actual grooming assignments they did.

Additionally, PetSmart was accused of not properly paying overtime to certain workers, not giving workers meal breaks they were entitled to, not allowing for rest breaks and not paying grooming salon workers back for costs they incurred for maintaining their uniforms, among other claims.

When the workers asked for preliminary approval in March, they said that after various costs are deducted there would be an estimated \$1,569,045 net settlement amount left over. Some of those deductions included up to \$605,000 in attorney fees and up to \$30,000 in litigation expenses, they said.

The workers additionally noted at the time that PetSmart has denied it is liable for any of the claims asserted against it.

Representatives for the parties did not immediately respond to requests for comment on Thursday.

The workers are represented by Ophir J. Bitton and Cesar G. Lachica Jr. of Bitton & Associates, Brian R. Short of ShortLegal APC and Isam C. Khoury, Michael D. Singer, Kristina De La Rosa, Diana M. Khoury and Jeff Geraci of Cohelan Khoury & Singer.

PetSmart is represented in the Smadja case by Aaron H. Cole and Evan R. Moses of Ogletree Deakins Nash Smoak & Stewart PC. PetSmart is represented in the Rodriguez case by Carrie A. Gonell of Morgan Lewis & Bockius LLP.

The case the settlement was filed in is Lea M. Smadja v. PetSmart Inc. et al., case number 2:17-cv-00379, in the U.S. District Court for the Central District of California.

The other case is Rodriguez v. PetSmart Inc. et al., case number 3:17-cv-01037, in the U.S. District Court Southern District of California.

--Editing by Jack Karp.