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Yankwitt LLP Uses Aggressive Negotiating Skills and Rule 68 to Expedite Settlement in Wage & Hour Case

Yankwitt LLP negotiated a highly favorable settlement for its client, a Long Island health food store, in a federal wage and hour case. The plaintiff, a former long-term employee, alleged he was not paid overtime. If he prevailed based on his theory of damages, the company could have been forced into bankruptcy.

From the start, Yankwitt LLP strategized about how to resolve the case as quickly as possible and with a minimum of expense for the client. As part of that strategy, Yankwitt LLP developed a damages model that set forth a substantially reduced exposure compared to the damages model developed by the plaintiff. Before expensive and time-consuming discovery, Yankwitt LLP was able to settle the case for less than one-third of the plaintiff's initial demand, while also minimizing attorneys' fees.

Finally, to further keep costs down, Yankwitt LLP settled the case by means of a "offer of judgment," a technique authorized by the United States Court of Appeals for the Second Circuit, that removed the need for court approval. That extra step, which is usually required in overtime cases, would have added to the litigation costs and delayed settlement.