## Andrew M. Spurchise

Shareholder

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## Practice Areas

Class Action
Discrimination and Harassment
Labor Management Relations
Wage and Hour

## Overview

Andrew M. Spurchise advises and represents employers in a broad range of employment law matters, including:

- Wage and hour class and collective actions
- Mass arbitrations
- Private Attorney General Act representative actions
- Discrimination issues
- All types of traditional labor and employment issues

He appears in state and federal courts and before the National Labor Relations Board to defend clients against claims arising under:

- Fair Labor Standards Act
- The National Labor Relations Act
- Title VII of the Civil Rights Act
- The Fair Employment and Housing Act
- State wage and hour laws, including New York Labor Law and California Labor Code

Andrew has successfully represented clients in a number of class action lawsuits in both state and federal court, including nationwide class and collective actions. While he handles all types of wage and hour cases, he focuses his practice on defending clients in every industry against claims of independent contractor misclassification. His successes include:

- An order denying conditional certification in a Fair Labor Standards Act collective action in the Southern District of New York brought on behalf of thousands of independent contractor for-hire drivers
- Dozens of rulings from state and federal courts compelling individual arbitration and dismissing and/or staying class and collective actions
- A bench trial decision in Los Angeles Superior Court finding that certain delivery drivers were independent contractors and ordering the California Employment Development Department to refund employment taxes improperly assessed to a client
- A ruling from the California Unemployment Insurance Appeals Board reversing a $1.7 million back tax assessment based on a class-wide determination by the California Employment Development Department that independent delivery providers were misclassified as independent contractors
- An order on behalf of a Fortune 500 company denying class certification, with prejudice, in a California state court case alleging unpaid overtime wages, missed meal and rest breaks, wage statement violations, and unpaid business expense reimbursement
- Trial counsel for on-demand platform company in three arbitration wins before retired California Superior Court judges, finding drivers were properly classified independent contractors
- Lead trial counsel for on-demand platform companies in multiple administrative trials finding couriers to be properly classified as independent contractors

Prior to joining Littler Mendelson in 2006, Andrew was a law clerk at Region 2 of the National Labor Relations Board. In law school, he was notes editor for the *Public Interest Law Journal*.

## Education

J.D., Boston University School of Law, 2006
B.S., Cornell University, 2003, *With Honors*

## Bar Admissions

California
New York
District of Columbia

## Courts

U.S. District Court, Northern District of California
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York
U.S. Court of Appeals, 2nd Circuit
U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, 7th Circuit

## Publications & Press

**FTC and NLRB Announce Interagency Cooperation in the "Gig Economy"**

*Littler ASAP*

July 29, 2022

**Amendments to NYC Law Would Codify the ABC Test**

*Littler ASAP*

May 4, 2020

**Littler Elevates 13 Associates To Shareholder Status**

*Press Release*

January 9, 2013

**California Employment Law Update—It's Not The End Of The World... Yet**

*Dispatch News*

March 1, 2012

## Events & Speaking Engagements

**2015 Tri-State Employer Conference**

New York, NY

November 5, 2015

**New Employment and Labor Laws for 2015**

San Francisco, CA

January 20, 2015