

Lawsuit on Behalf of Former SCRTD Employees Hits Another Snag; Class-Action Status Denied

(October 28) The lawsuit filed against the MTA on behalf of former SCRTD employees hit another snag, Thursday, when a Superior Court judge denied the plaintiff's motion to certify it as a class action.

The decision by Judge Fumiko Wasserman means that - if the ruling withstands a possible appeal - the lawsuit would continue only on behalf of a single plaintiff, Robert Torres.

In a conference with attorneys representing the SCRTD employees and the MTA, Judge Wasserman suggested that the dispute be referred to mediation. That process must be completed by Jan. 28, 2000, she said, and the results reported to her at a status conference scheduled for Feb. 4, 2000.

In denying the motion to certify the class action, the judge cited a case that provides legal standards for class-action lawsuits. To qualify as a class action, there must be a recognizable class of individuals who have a well-defined community of interest. Common questions of law or fact must predominate. The individual who represents the class must have claims that are typical of others in the class. He or she also must be able to adequately represent the class.

In a statement released Thursday, the MTA's attorneys said, "Judge Wasserman's decision indicates that she believes that legal requirements for a class action were not met. She has continued to rule in the MTA's favor since taking the case in March, 1998. Her rulings clearly support our contention that this case has no merit."

The lawsuit seeks essentially the same employment benefits for former SCRTD employees as those received by former LACTC employees since the merger in April, 1993. This includes reimbursement for Social Security and for State Disability Insurance taxes.

The plaintiff also is asking for retirement benefits equal in cost to those provided to former LACTC employees since the merger. The suit requests a new classification/compensation study to eliminate alleged inequities in pay scales.

The lawsuit has endured a lengthy series of hearings and delays since it was filed three years ago. Two judges withdrew because of possible conflicts of interest. The suit encountered a year's delay before it was assigned to Judge Wasserman, who conducted her first hearing on March 16, 1998. Since that time, she has reduced the number of causes of action from nine to one.

[Back to MTA Report](#)