



Noel P. Tripp

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Practices

Class Actions and Complex
Litigation
Wage and Hour

Services

New York Metro

Education

Fordham University School
of Law
J.D., 2006

Dartmouth College
A.B., 1999

Admitted to Practice

- New York - E.D. N.Y.,
2008
- New York - S.D. N.Y.,
2008
- New York - W.D. N.Y.,
2017
- New York, 2007

Noel P. Tripp is a Principal in the Long Island, New York, office of Jackson Lewis P.C. Since joining Jackson Lewis as a summer associate in May 2005, he has practiced exclusively in employment law and has represented employers in matters pending before federal and state courts and administrative agencies covering the entire gamut of employment-related claims. His focus is the defense of class and collective action lawsuits under federal and state wage-and-hour laws, and the provision of preventive advice regarding wage law compliance and class action avoidance. He has defended a broad host of wage disputes, ranging from “white-collar” misclassification actions to claims brought in behalf of hourly employees seeking to recover unpaid minimum, regular and/or overtime wages, amounts unlawfully deducted from wages, unpaid commissions, and gratuities.

Mr. Tripp previously served as Coordinator for Jackson Lewis’ [Wage & Hour Law Update](#) blog. He has spoken about wage-and-hour matters to the American Translators Association, the Women’s Bar Association of New York, the New York County Lawyers Association, the New York City Bar Association and other industry and professional associations. He has also served as a mediator for class and collective action cases.

Recent Favorable Decisions

- *Lusk v. Serve U Brands*, 2019 U.S. Dist. LEXIS 159175 (W.D.N.Y. Sep. 19, 2019)
- *Reyes v. Sears Holdings Corp.*, No. 2:17-cv-4719 (RJD) (RML), 2019 U.S. Dist. LEXIS 133787 (E.D.N.Y. Aug. 7, 2019)
- *Llivichuzhca v. Alphacraft Construction Inc., et al.*, No. 18-cv-01017 (RLM) (E.D.N.Y. March 14, 2019)
- *Gross v. Capital One, N.A.*, No. 062889/2013 (DFM) (Supreme Co., Suffolk Cty. March 19, 2019)
- *Lusk v. Serve U Brands, Inc.*, 2018 U.S. Dist. LEXIS 22693 (W.D.N.Y. Feb. 12, 2018)(granting motion to dismiss FLSA claims of delivery drivers for failure to plead regular rate of pay).
- *Walker v. Interfaith Nutrition Network, Inc.*, 2015 U.S. Dist. LEXIS 91418 (E.D.N.Y. July 14, 2015). Granting motion to dismiss FLSA claims for failure to plead enterprise or individual coverage of Plaintiffs’ employment at New York non-profit.
- *Jennings v Huntington Crescent Club*, 120 A.D.3d 1394 (2d Dep’t 2014). Affirming grant of motion to dismiss New York Labor Law claims based on

alleged uncompensated work and raises.

- *Nunez, et al. v. Shinobi LLC, et al.*, SDNY Case No. 12-CV-5313, DKT 67 (Sept. 13, 2013). Denying motion for FLSA conditional certification and notice based on individual issues specific to putative representative Plaintiffs.

Representative Class Action Experience

- *Lusk, et al. v. Serve U Brands d/b/a Insomnia Cookies*, Western District of New York (2017). Alleging minimum wage violations as to nationwide collective of delivery drivers.
- *Green, et al. v. Humana at Home*, Southern District of New York (2016). Alleging misclassification of home health aides as exempt and additional violations of New York Labor Law.
- *Capilupi, et al. v. People United*, Eastern District of New York (2015). Alleging misclassification of Customer Service Managers at defendant bank.
- *Molina, et al. v. Sant Ambroeus LLC d/b/a Casa Lever*, Southern District of New York (2015). Alleging violation of tip credit provisions, misappropriation of gratuities and violations of New York Labor Law.
- *Malnar et al. v. Presidio International d/b/a Armani Exchange*, New York County Supreme Court (2015). Alleging misclassification of interns under New York Labor Law.
- *Lopez et al. v. Dinex Group, et al.*, New York County Supreme Court (2013). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Freddy Fernandez, et al. v. Kinray, Inc. and Cardinal Health, Inc.*, United States District Court, Eastern District of New York (2013). Alleging misclassification of delivery drivers by pharmaceutical wholesaling facility.
- *Banegas v. Lutheran Augustana*, United States District Court, Eastern District of New York (2012). Nursing employees alleging off-the-clock work during meal breaks and outside scheduled shift.
- *Sukhnandan v. Royal Health Care*, United States District Court, Southern District of New York (2012). Putative hybrid class/collective action alleging misclassification of marketing employees as exempt from overtime under federal and state law.
- *Roman et al v. Dinex Group, et al.*, United States District Court, Southern District of New York (2012). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Pazos et al. v. Le Bernardin*, United States District Court, Southern District of New York (2011). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Hidalgo et al. v. Fidelis Care*, United States District Court, Eastern District of New York (2011). Putative hybrid class/collective action alleging off-the-clock claims for straight and overtime pay under federal and state law. Resolved as to group of opt-ins on favorable terms. No class certified.
- *Mondelli et al. v. Il Mulino*, United States District Court, Southern District of New York (2011). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Ohayon et al. v. Dinex Group and Daniel Boulud*, United States District Court, Southern District of New York (2011). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Toure et al. v. AmeriGroup*, United States District Court, Eastern District of New York (2010). Putative hybrid class/collective action alleging misclassification of marketing employees as exempt from overtime under federal and state law.
- *Carton et al. v. Sterling InfoSystems*, United States District Court, Southern District of New York (2010). Mediation pending.
- *Li et al. v. HealthPlus*, United States District Court, Eastern District of New York (2010). Putative hybrid class/collective action alleging off-the-clock claims for straight and overtime pay under federal and state law. Resolved as to group of

opt-ins on favorable terms. No class certified.

- *McBeth et al. v. Gabrielli Truck Sales, Ltd. et al*, United States District Court, Eastern District of New York (2009). Class and collective action brought by parts and warehouse employees regarding 29 U.S.C. § 213(b)(10) “auto dealer” exemption.
- *Walker v. Hunter Roberts Construction*, United States District Court, Southern District of New York (2009). Collective action under FLSA and New York State overtime pay claims brought by assistant project managers who claim they were misclassified as exempt from overtime pay requirements. Settled on favorable terms with group of opt-in plaintiffs.
- *Ferree v. Clough, Harbour*, United States District Court, Middle District of Pennsylvania (2008). Alleging additional payments due under the FLSA based on putative collective action participants’ receipt of “straight time” overtime.
- *Houston & Lomascolo v. Parsons Brinckerhoff, Alltech, et al.*, United States District Court, Eastern District of Virginia (2008). Collective action alleging overtime entitlement by inspectors retained by Alltech to perform inspections upon residential housing damaged at Presidentially declared disaster sites managed by FEMA.
- *Webster, et al. v. Smithfield Associates et al.*, United States District Court, Southern District of New York (2008). Class and collective action brought against longstanding Manhattan restaurants Balthazar and Pastis alleging misappropriation of gratuities and miscalculation of overtime wages under FLSA and New York Labor Law.
- *Ramales et al. v. Timberlake, et al.*, United States District Court, Southern District of New York (2008). Class and collective action against Manhattan restaurant alleging failure to pay wages and misappropriation of “service charges” under *Samiento, et al. v. World Yacht, Inc., et al.*, 10 N.Y.3d 70 (2008).
- *Hughes, et al v. Getronics et al.*, United States District Court, Southern District of New York (2007). Class and collective action alleging FLSA and New York Labor Law misclassification of numerous information technology workers.

Honors and Recognitions

Noel P. Tripp

Professional Associations and Activities

- American Bar Association
- New York State Bar Association