



Principal, Sacramento

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Cary G. Palmer is a principal in the Sacramento, California, office of Jackson Lewis P.C. He represents management in employment, labor and benefits law and related litigation. Cary has extensive class action experience. He also mediates class actions.

Practices

- National Compliance and Multi-State Solutions
- California Class and PAGA Action
- California Consumer Privacy Act
- Class Actions and Complex Litigation
- Distribution and Warehousing
- Employment Litigation
- Wage and Hour

Education

- University of the Pacific
McGeorge School of Law, J.D.
1996
- Brigham Young University
Marriott School of Management,
B.S. 1991

Admitted to Practice

- California - C.D. Cal. 1996
- California - E.D. Cal. 2003
- California - N.D. Cal. 2004
- California - S.D. Cal. 1998
- California 1996

Cary practices before the state and federal courts in California, the United States Department of Labor, the United States Equal Opportunity Commission, the California Civil Rights Department, the California Division of Labor Standards Enforcement, and the California Workers' Compensation Appeals Board. He also defends management in statewide and nationwide class action and collective action litigation. Cary also defends management in litigation involving wrongful termination, reductions in force, discrimination, harassment, breach of contract, wage and hour, benefits, and other labor and employment-related actions. He also conducts employee and management training seminars, and provides proactive employment advice and counsel.

Cary, the firm's California Region Wage and Hour coordinator, has extensive experience in all aspects of class action litigation, including proactive and preventative strategies, budgeting, state-wide defense efforts, class-wide discovery, arbitrations, mediations, exposure analyses, class certification, investigations, depositions and experts.

Representative Wage and Hour Class Action Experience

Cary has handled/co-handled more than 100 class actions during the past 20 years. The cases have involved many different wage and hour issues, including alleged misclassification of employees (under the executive, administrative, professional, computer software, and inside/outside sales exemptions), independent contractors, vacation, sick leave and paid time off, wages, bonuses, commissions, overtime, off-the-clock work, meal and rest periods, recordkeeping, wage statements, reimbursement of business expenses, dress and grooming, donning and doffing, criminal convictions, and suitable seating.

Cary has defeated class certification in several recent wage and hour class actions. See *Ana Mora, et al. v. Big Lots Stores, Inc.* (2011) 194 Cal.App.4th 496 (California court of appeal upheld the trial court's order denying class certification in executive exemption case; trial court denied class certification concluding common questions did not predominate over individualized inquiries because the activities performed by store managers varied substantially based on the size of the store, the type of merchandise each store carries, the number employees supervised, the time of year, the personality and judgment of the individual store manager and additional, periodic challenges at particular stores.); *Jin v. Ben Bridge-Jeweler, Inc.* (2009, 2:07-CV-1587-CEB-KJN) (Federal court denied plaintiff's class certification motion for alleged meal period violations because plaintiff failed to show common factual issues predominated over individualized issues); and *Baker v. Big Lots Stores, Inc.* (2009, CV 08-01450 GAF (FMOx)) (Federal Court denied plaintiff's class certification motion for allegedly missed rest periods).

Cary has also successfully represented clients in several additional published wage-hour class and representative action decisions. See, *Suazo, et al. vs. Bluemercury, Inc.* (2023 WL 2959997) (Federal court granted employer's motion to dismiss nationwide collective action claims of out-of-state plaintiffs for lack of personal jurisdiction under Fair Labor Standard Act); *Bryan de Simas, et al. v. Big Lots Stores, Inc.* (2007 U.S. Dist. Lexis 19257) (Federal court granted employer's motion to stay wage-hour class action under the Colorado River abstention doctrine, and denied plaintiffs' motion for leave under the California Private Attorneys' General Act); and *The TJX Companies, Inc. v. Superior Court* (2001) 87 Cal.App.4th 747 (California court of appeal court upheld employer's right to hearing and oral argument in wage-hour class action).

Honors and Recognitions

- *California Super Lawyers®*, "Super Lawyers" (2017–present)
- *Thomson Reuters*, "Stand-Out Lawyer" (2024)
- *The Best Lawyers in America®*, "Employment Law – Management" (2025) and "Litigation – Labor and Employment" (2025)

Published Works

- "Recent Developments in Overtime Exemptions," *ACC Legal Resources* (July 2, 2014) [Co-Author]
- "Top Ten Wage and Hour Traps," *ACC Legal Resources* (March 13, 2013) [Author]
- "California's Meal and Rest Period Saga Escalates," *The Daily Recorder* (February 2006) [Co-Author]
- "Employers May Fight Back Through The Class Action Fairness Act," *The Daily Recorder* (May 4, 2005) [Co-Author]
- "Harrah's Policy Requiring Women to Wear Makeup Upheld by Federal Appeals Court," *The Daily Recorder* (February 23, 2005) [Co-Author]
- "California Supreme Court Leaves Flood Gates Open for Overtime Class Actions," *The Daily Recorder* (September 1, 2004) [Co-Author]
- "Labor Code Private Attorneys General Act of 2004," *The Daily Recorder* (June 11, 2004) [Co-Author]
- "Bounty Hunters Take Aim at California Employers," *The Daily Recorder*, (June 10, 2004) [Co-Author]
- "Court Limits Legal Protections for Employer's E-Mail System," *The Daily Recorder* (August 6, 2003) [Co-Author]
- "California's New Employment Laws, Parts 1 and 2," *The Daily Recorder* (November 20 and 27, 2002) [Co-Author]