



One Minute Memo[®]

U.S. Supreme Court Vacates Ninth Circuit Ruling in *Wang v. Chinese Daily News*

On October 5, 2010, we reported on a Ninth Circuit Court of Appeals decision, *Wang v. Chinese Daily News*, 623 F.3d 743 (9th Cir. 2010) (click [here](#) to read). In *Wang*, newspaper reporters filed a class action against their employer alleging they were not paid for overtime hours worked. The District Court certified a class under Rule 23(b)(2), and granted summary judgment in favor of the plaintiffs, finding they did not qualify as exempt employees under the creative professional exemption under the FLSA and California law. On September 27, 2010, the Ninth Circuit affirmed the District Court's rulings.

On October 3, 2011, the United States Supreme Court granted the employer's Petition for Writ of Certiorari, vacated the Ninth's Circuit's ruling and remanded the case back to the Ninth Circuit for further consideration in light of the U.S. Supreme Court's decision in *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. ___ (2011).

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