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Paralegal Settles Wage Claims Against Messa & Associates

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A former paralegal at personal injury firm Messa & Associates has reached a \$7,500 settlement of her claims against the firm over alleged unpaid overtime wages.

The parties in the putative Fair Labor Standards Act collection action of *Vollmer v. Joseph L. Messa Jr. & Associates* filed Wednesday an amended joint motion to approve the settlement. The motion is awaiting approval from U.S. District Judge Cynthia M. Rufe of the Eastern District of Pennsylvania.

According to the motion, the parties agreed to separately settle plaintiff Lauren Vollmer's individual claim for retaliatory discharge from the firm. Details of that settlement were not disclosed. Vollmer had alleged she was fired for discussing her concerns about overtime payment with other former Messa employees on Facebook.

According to a copy of the settlement agreement attached to the motion, the parties agreed to settle the overtime claims for \$7,500, including \$5,000 to Vollmer and \$2,500 in attorney fees to her lawyer, Scott M. Pollins at the Pollins Law Firm. **Attorney Jeffrey Campolongo also represented Vollmer.**

According to the motion to approve the settlement, the parties said Vollmer had initially thought her damages would be about \$13,000 in unpaid wages, but she did not account for whole or partial days she missed due to illness, holidays or other time off.

"Therefore, the potential value of her unpaid overtime claim was less than plaintiff and her counsel had originally believed," according to the motion.

Instead, Vollmer's damages were less than \$8,000, according to the motion. The settlement on the FLSA claims requires court approval as those claims were filed as a proposed collective action on behalf of other current and former Messa & Associates paralegals.

Pollins did not immediately respond to a request for comment on the settlement. Neither did Arthur

"Terry" Lefco of Marshall Dennehey Warner Coleman & Goggin, an attorney for Messa & Associates.

Vollmer sued 15-lawyer Messa & Associates in January, lodging claims under the Fair Labor Standards Act, the Pennsylvania Minimum Wage Act and the Pennsylvania Wage Payment and Collection Law as well as an unjust enrichment claim. Vollmer further alleged a retaliatory discharge claim under the FLSA.

Vollmer alleged she often worked more than 40 hours a week but was not paid overtime. Instead, she said, she was offered to take that extra time as comp time, but never was actually allowed to do so. Vollmer, who worked at Messa & Associates from Feb. 19, 2014, through March 14, 2015, alleged she left work early on March 13, 2015, to go to the hospital. She said in her complaint that she was under pressure and stress from working long hours and not getting paid properly.

According to the complaint, Messa & Associates management committee member Lee D. Rosenfeld emailed the entire firm on March 14 to say Vollmer had "left the firm." He then called Vollmer and told her she was terminated due to misconduct, according to the complaint.

Vollmer alleged that she learned several weeks later that the misconduct was Vollmer's exchanging of private messages on Facebook with former Messa & Associates legal assistants and secretaries to complain about work conditions at the firm.

Vollmer alleged she regularly worked at least five to 10 hours per week in excess of 40 hours. She only was paid overtime for the work she did on Saturdays, she had alleged. Vollmer alleged other paralegals and secretaries worked similar hours and similarly did not receive overtime pay. She said she believed there to be more than 10 people who would fall into that class. She sought class certification of all legal assistants, secretaries and paralegals who worked at the firm during the three years prior to the date she filed the complaint.

Vollmer sought the formation of a collective action under the FLSA and a class action under the Pennsylvania Minimum Wage Act and the Pennsylvania Wage Payment and Collection Law.

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