



PRESS RELEASE

Contact: Megan Braverman
310-405-7343
megan@berbay.com

For Immediate Release

BIRD MARELLA WINS MULTI-MILLION JUDGMENT AGAINST LEXMARK INTERNATIONAL IN CLASS ACTION LAWSUIT AS AFFIRMED BY APPELLATE COURT

-- Court upholds judgment against company's labor code-violating "use it or lose it" vacation policy --

LOS ANGELES, CA – Los Angeles-based litigation firm [Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C.](#) won an appellate victory affirming a judgment that totals more than \$10 million in damages, costs, attorney fees and interest in a class action lawsuit against Lexmark International, Inc. ("Lexmark"). The appellate court agreed with the trial court that the company's "use it or lose it" vacation policy failed to compensate employees for unused vacation and personal choice days per California state law. Filed on behalf of a group of 178 current and former employees of Lexmark, the class action lawsuit sought compensation for unpaid wages and injunctive relief.

"This is an outstanding result for our clients who have been waiting since this case was filed in 2005 to recover lost vacation wages," said Bird Marella attorney [Bonita D. Moore](#). "The company changed a lawful policy to one that violated the California Labor Code in order to save money, and the damages awarded reflect the injustice inflicted on the class members by the company. As to current employees, the trial court also issued an injunction to bar the company from this type of behavior in the future."

In 1991, Lexmark amended its company policy that complied with California law to one that required its employees to forfeit all vacation and personal choice days if not used by the end of each year. That policy directly violated California Labor Code section 227.3, which prohibits employee forfeiture of vacation and requires payment for all vested vacation upon employment termination.

The case was originally filed by lead counsel Sheila Thomas of the Law Offices of Sheila Thomas.

Lexmark, an IBM "spin-off" company based in Lexington, Kentucky, has been in operation since 1991.

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Los Angeles-based litigation firm, Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C., specializes in complex civil and white collar criminal litigation.

Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Phone: 310.201.2100
Fax: 310.201.2110
www.birdmarella.com