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Class Action proceeds against Sterling and his Beverly Hills Properties

April 28, 2014 - As stories of past lawsuits against Los Angeles Clippers' owner Donald Sterling appear, an ongoing pending class action lawsuit against Sterling and his Property Management Company Beverly Hills Properties is being overlooked. Two former apartment managers employed by Sterling and Beverly Hills Properties are proceeding with a class action on behalf of the company's current and former apartment managers. The lawsuit claims that Sterling has failed to pay his apartment managers for all hours worked, failed to pay the required state minimum wage for all hours worked, and failed to pay overtime wages, among other violations.

The lawsuit is brought by former apartment managers, John Kim and Asa Podolnaya. The lawsuits, which are consolidated for discovery purposes, are *Kim v. Donald T. Sterling, individually and Trustee of The Sterling Family trust*, Los Angeles Superior Court Case No. BC5034652 and *Podolnaya v. Donald T. Sterling, et al.*, Los Angeles Superior Court Case No. BC520587.

Attorneys for the apartment managers are Michael Morrison of Alexander Krakow + Glick LLP and Michael Nourmand and James De Sario of the Nourmand Law Firm.

The lawsuit alleges that Sterling requires apartment managers to sign documents stating that they will not work over 13 hours in a week and that their job duties can be performed within 13 hours. The demands of the job, however, require apartment managers to work well over 13 hours in a week and that Sterling and Beverly Hills Properties are and have always been well aware of this fact. In fact, some apartment managers are alleged to have worked more than 50 hours in a week.

The plaintiffs allege that Sterling pays apartment managers a salary based on a 13 hour workweek, and they are not compensated for the hours they work beyond 13 in a week. They also claim that apartment managers do not receive the required overtime premium for work in excess of eight hours per day or 40 hours per week and to conceal its unlawful activities, Sterling and Beverly Hills Properties do not keep track of the actual hours worked by apartment managers, in clear violation of California law.

Through the lawsuit, the Plaintiffs seek to recover the wages owed to employees, penalties for the violations, including penalties recoverable pursuant to the California Private Attorney General Act (California's private attorney general claim for Labor Code violations), and interest.

Commenting on the case, Michael Morrison said, "Mistreating employees and denying their fundamental employment rights violates California's laws. I don't know of a clearer example of the flouting of the basic rules relating to work in this state."

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