

# Partner Barbara E. Hoey and Associate James B. Saylor Discuss the Implications of Supreme Court's Tyson Decision for Employers

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Partner [Barbara E. Hoey](#) and associate [James B. Saylor](#) sat down with *Practical Law* for the article "Expert Q&A on Representative and Sampling Evidence in Class Actions Post-Tyson." Ms. Hoey and Mr. Saylor explained the implications of the U.S. Supreme Court's ruling in *Tyson Foods, Inc. v. Bouaphakeo* for employers and their counsel. In a seeming departure from other decisions, the court held that a representative sample may be used to establish class wide liability for class certification. The plaintiffs brought suit on behalf of over 3,000 employees from one of Tyson's pork-processing facilities who sought compensation for the time to put on and take off protective gear. In the interview, Ms. Hoey and Mr. Saylor give advice to employers on best practices and steps they can take to avoid or defend against this type of employment litigation.