



Principal, Long Island

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## Practices

- Class Actions and Complex Litigation
- Leisure
- Employment Litigation
- Restaurants
- Wage and Hour
- Financial Services
- Healthcare
- EPLI (Employment Practices Liability Insurance)

## Education

- Fordham University School of Law, J.D. 2006
- Dartmouth College, A.B. 1999

## Admitted to Practice

- New York - E.D. N.Y. 2008
- New York - N.D. N.Y. 2021
- New York - S.D. N.Y. 2008
- New York - W.D. N.Y. 2017
- New York 2007

Noel P. Tripp is a principal in the Long Island, New York, office of Jackson Lewis P.C. Since joining Jackson Lewis as a summer associate in May 2005, he has practiced exclusively at Jackson Lewis and has represented employers in matters pending before federal and state courts and administrative agencies covering the entire gamut of employment-related claims. His focus is the defense of class and collective action lawsuits under federal and state wage-and-hour laws, and the provision of preventive advice regarding wage law compliance and class action avoidance. He has defended dozens of putative wage-hour class and collective actions, ranging from “white-collar” misclassification actions to claims brought in behalf of hourly employees seeking to recover unpaid minimum, regular and/or overtime wages, amounts unlawfully deducted from wages, unpaid commissions, and gratuities.

Noel served for many years as coordinator for Jackson Lewis’ [Wage & Hour Law Update](#) blog and has spoken about wage-and-hour matters to the American Translators Association, the Women’s Bar Association of New York, the New York County Lawyers Association, the New York City Bar Association and other industry and professional associations. He has also served as a mediator for numerous putative class and collective actions and co-teaches a seminar on wage issues at Fordham Law School. He previously served on the firm’s Advisory Committee.

## Recent Favorable Decisions

- *Lee v. Insomnia Cookies LLC*, 23-CV-6321-FPG, 2024 U.S. Dist. LEXIS 42082 (W.D.N.Y. Mar. 11, 2024) and 2024 U.S. Dist. LEXIS 42085 (W.D.N.Y. Mar. 11, 2024). Granting summary judgment dismissing putative class and collective action claims pursuant to pre-employment class action waiver agreement, and dismissing minimum wage claims, claims against individual Defendant in FLSA action.
- *Galante v. Watermark Servs. IV LLC*, 23-CV-6227-FPG 2024 U.S. Dist. LEXIS 40337 (W.D.N.Y. Mar. 7, 2024) reconsideration denied ECF Dkt. 54 (Nov. 1, 2024). Dismissing claim based on alleged pay frequency violation under N.Y. Labor Law § 191.
- *Forte v. Insomnia Cookies, LLC*, 3:23-cv-00551 DRL-MGG, 2023 U.S. Dist. LEXIS 227456 (N.D. Indiana Dec. 21, 2023) and *Williams v. Insomnia Cookies, LLC*, 2024 U.S. Dist. LEXIS 21403 (E.D. Mo. Feb. 7, 2024). Granting motions to compel arbitration.
- *Hine v. Insomnia Cookies*, 2022 U.S. Dist. LEXIS 213661 (W.D.N.Y. Nov. 28, 2022) Reducing contested attorneys’ fee application by more than 70% based on litigation conduct of counsel around accepted offer of judgment.
- *Beh v. Cmty. Care Companions Inc.*, 2022 U.S. Dist. LEXIS 178794 (W.D.N.Y. Sep. 29, 2022). Denying class certification as to all but one Labor Law claim, rejecting WTPA claims for want of standing. 2024 U.S. Dist. LEXIS 12834 (W.D.N.Y. Jan. 23, 2024) (recommending denial of motion to dismiss defenses).
- *Gross v. Capital One, N.A.*, 2022 NY Slip Op 02396 (2d Dep’t April 13, 2022). Affirming dismissal of New York Labor Law claim for allegedly unpaid commissions.

- *Matter of PLS Check Cashiers of N.Y. Inc. (Commissioner of Labor)*, 2021 NY Slip Op 05142 (3d Dep't 2021) Reversing Appeal Board finding of transfer of experience rating based on purported acquisition of "goodwill".
- *Carr v. Freedom Care LLC*, No. 5:20-CV-01597 (MAD/TWD), 2021 U.S. Dist. LEXIS 178313 (N.D.N.Y. Sep. 20, 2021). Granting motion to compel arbitration.
- *Lusk v. Serve U Brands*, 2019 U.S. Dist. LEXIS 159175 (W.D.N.Y. Sep. 19, 2019). Upholding pre-employment class action waiver agreement.
- *Reyes v. Sears Holdings Corp.*, No. 2:17-cv-4719 (RJD) (RML), 2019 U.S. Dist. LEXIS 133787 (E.D.N.Y. Aug. 7, 2019). Granting motion to dismiss putative class action on basis of Plaintiff's prior bankruptcy filing.
- *Llivichuzhca v. Alphacraft Construction Inc., et al.*, No. 18-cv-01017 (RLM) (E.D.N.Y. March 14, 2019). Granting partial motion to dismiss several New York Labor Law claims.

## Representative Experience

- *Maine v. Hilton Hotel Employer LLC*, 24-cv-01682 (S.D.N.Y. 24-cv-1682). FLSA claim dismissed based on asserted applicability of collective bargaining agreement dispute resolution mechanism.
- *Hoskins, et al. v. Contour Mortgage*, Eastern District of New York (2023). Alleging overtime owed to mortgage loan officers.
- *Lee, et al. v. Serve U Brands*, Western District of New York (2023). Alleging minimum wage owed to nationwide group of delivery drivers.
- *Hine, et al. v. Serve U Brands*, Western District of New York (2022). Alleging minimum wage owed to nationwide group of delivery drivers.
- *Soliman v. PLS Financial*, New York County Supreme Court (2018). Alleging class action NY Labor Law claims.
- *Lusk, et al. v. Serve U Brands d/b/a Insomnia Cookies*, Western District of New York (2017). Alleging minimum wage violations as to nationwide collective of delivery drivers.
- *Green, et al. v. Humana at Home*, Southern District of New York (2016). Alleging misclassification of home health aides as exempt and additional violations of New York Labor Law.
- *Capilupi, et al. v. People United*, Eastern District of New York (2015). Alleging misclassification of Customer Service Managers at defendant bank.
- *Molina, et al. v. Sant Ambroeus LLC d/b/a Casa Lever*, Southern District of New York (2015). Alleging violation of tip credit provisions, misappropriation of gratuities and violations of New York Labor Law.
- *Malnar et al. v. Presidio International d/b/a Armani Exchange*, New York County Supreme Court (2015). Alleging misclassification of interns under New York Labor Law.
- *Lopez et al. v. Dinex Group, et al.*, New York County Supreme Court (2013). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Freddy Fernandez, et al. v. Kinray, Inc. and Cardinal Health, Inc.*, United States District Court, Eastern District of New York (2013). Alleging misclassification of delivery drivers by pharmaceutical wholesaling facility.
- *Banegas v. Lutheran Augustana*, United States District Court, Eastern District of New York (2012). Nursing employees alleging off-the-clock work during meal breaks and outside scheduled shift.
- *Sukhnandan v. Royal Health Care*, United States District Court, Southern District of New York (2012). Putative hybrid class/collective action alleging misclassification of marketing employees as exempt from overtime under federal and state law.

- *Roman et al v. Dinex Group, et al*, United States District Court, Southern District of New York (2012). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Pazos et al. v. Le Bernardin*, United States District Court, Southern District of New York (2011). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Hidalgo et al. v. Fidelis Care*, United States District Court, Eastern District of New York (2011). Putative hybrid class/collective action alleging off-the-clock claims for straight and overtime pay under federal and state law. Resolved as to group of opt-ins on favorable terms. No class certified.
- *Mondelli et al. v. Il Mulino*, United States District Court, Southern District of New York (2011). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Ohayon et al. v. Dinex Group and Daniel Boulud*, United States District Court, Southern District of New York (2011). Alleging misappropriation of gratuities and violations of New York Labor Law.
- *Toure et al. v. AmeriGroup*, United States District Court, Eastern District of New York (2010). Putative hybrid class/collective action alleging misclassification of marketing employees as exempt from overtime under federal and state law.
- *Li et al. v. HealthPlus*, United States District Court, Eastern District of New York (2010). Putative hybrid class/collective action alleging off-the-clock claims for straight and overtime pay under federal and state law. Resolved as to group of opt-ins on favorable terms. No class certified.
- *Walker v. Hunter Roberts Construction*, United States District Court, Southern District of New York (2009). Collective action under FLSA and New York State overtime pay claims brought by assistant project managers who claim they were misclassified as exempt from overtime pay requirements. Settled on favorable terms with group of opt-in plaintiffs.
- *Houston & Lomascolo v. Parsons Brinckerhoff, Alltech, et al.*, United States District Court, Eastern District of Virginia (2008). Collective action alleging overtime entitlement by inspectors retained by Alltech to perform inspections upon residential housing damaged at Presidentially declared disaster sites managed by FEMA.
- *Webster, et al. v. Smithfield Associates et al*, United States District Court, Southern District of New York (2008). Class and collective action brought against longstanding Manhattan restaurants Balthazar and Pastis alleging misappropriation of gratuities and miscalculation of overtime wages under FLSA and New York Labor Law.
- *Ramales et al. v. Timberlake, et al*, United States District Court, Southern District of New York (2008). Class and collective action against Manhattan restaurant alleging failure to pay wages and misappropriation of “service charges” under *Samiento, et al. v. World Yacht, Inc., et al.*, 10 N.Y.3d 70 (2008).
- *Hughes, et al v. Getronics et al*, United States District Court, Southern District of New York (2007). Class and collective action alleging FLSA and New York Labor Law misclassification of numerous information technology workers.

## Honors and Recognitions

- *The Best Lawyers in America*®, “Litigation - Labor and Employment” (2023)
- *New York Super Lawyers*®, “Rising Stars” (2013-2017) and “Super Lawyers” (2018-2020, 2022)