

Supreme Court of New York Rules in Favor of PSWH Client Major Model Management, Defeating Certification of Class Action

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5.13.20

Pashman Stein Walder Hayden attorneys Joseph A. D'Avanzo and Yelena Yukhvid successfully defeated on behalf of its client the plaintiff's motion for class certification in the matter of Raske v. Major Model Management, Inc. The firm represented Major Model Management, Inc. ("Major") in a lawsuit initiated by Louisa Raske, a former fashion model who signed with Major back in 1996. Joseph A. D'Avanzo has been involved in litigating this case for the greater part of six years.

In December 2019, Yelena Yukhvid argued the motion before Hon. O. Peter Sherwood, J.S.C. of the Supreme Court of New York. On May 8, 2020 Justice Sherwood issued his decision and order denying Ms. Raske's motion for class certification.

Ms. Raske claimed that she, on behalf of herself and other fashion models who signed with Major, was not adequately compensated for usage fees associated with the usage of her image. Ms. Raske sought to certify a class of individuals composed of all models who had contracted with Major over the span of 14 years who: (a) were classified as independent contractors instead of employees, (b) did not receive usage fees for usages of their images, (c) performed any uncompensated work at the direction of Major, and (d) received a paycheck from Major. On behalf of Major, Pashman Stein opposed Ms. Raske's motion for class certification.

Justice Sherwood determined that Ms. Raske had not met the requisites of class certification under CPLR's Article 9. Justice Sherwood found that Ms. Raske had not met her burden of showing the existence of common questions as to her claims against Major, specifically noting that the pre-class certification discovery (conducted

by PSWH) raised significant questions as to the merits of Ms. Raske's claims.

In response to the decision, D'Avanzo stated, "This case is one of many that seek to challenge the traditional relationship between fashion models and their managers. We have seen an increase in these claims by fashion models that they are, in fact, employees of the modeling agencies rather than independent contractors. So far, we have successfully defended agencies before the courts and administrative agencies including the Labor Department, Unemployment Insurance Board, and State Insurance Fund, on these claims. We are pleased with the result."