



[Back to Story](#) - [Help](#)

## California Appeals Court Finds FedEx Ground Drivers to be Employees and Denies FedEx's Appeal



2 hours, 55 minutes ago

To: LEGAL AFFAIRS EDITORS

Contact: Lynn Faris, Esq. of Leonard Carder, LLP, +1-510-272-0169

LOS ANGELES, Aug. 15 /PRNewswire-USNewswire/ -- On August 13, the California Court of Appeal upheld the trial court's decision finding FedEx Ground drivers to be employees and not independent contractors, thus denying the appeal of the landmark Estrada vs. FedEx Ground Package System, Inc. The appeals court also determined that the FedEx Ground drivers were entitled to reimbursement for approximately \$6 million in additional expenses, bringing the total damages to \$11 million for 200 drivers.

In denying the appeal from the December 2005 decision, the Appeals Court found that the California drivers are actual employees, and that "... the work performed by the drivers is wholly integrated into FedEx's operation. The drivers are FedEx employees, act like FedEx employees, are paid like FedEx employees, and receive many employee benefits. In reaching its decision, the appellate court noted, "The essence of the trial court's statement of decision is that if it looks like a duck, walks like a duck, swims like a duck, quacks like a duck, it is a duck." The Court also commented that, "FedEx Ground cares over every exquisite detail of the drivers' performance, including the color of their socks and the style of their hair, and the trial court's conclusion that the drivers are employees..."

"The Appeals Court ruling is another significant step in seeking justice for every former, current and future FedEx Ground/Home Delivery driver," says Lynn Rossman Faris, Esq., the lead trial lawyer in the original lawsuit against FedEx Ground alleging misclassification of the drivers as a way to shift the burden for paying millions in overhead expenses -- including insurance and uniforms -- from the company to the drivers, enabling FedEx Ground to compete illegally. "We intend to pursue through the federal class-action suit what we've proven in California: that all FedEx Ground and Home Delivery drivers have been illegally misclassified to the detriment of the drivers, avoiding taxes every other employer pays and giving a windfall to the company."

Plaintiffs Tony Estrada and Jeff Morgan were thrilled: "We always knew that if we stood our ground and told the truth, we would prevail for all of our fellow drivers."

Ms. Faris noted, "FedEx has been telling Wall Street that it would win this appeal. FedEx's attempt to spin this decision and other similar holdings sound increasingly empty and desperate. As the court said, if it quacks like a duck, it is a duck. FedEx Ground is not a contractor as the company has claimed. This is the highest court to date to confirm what we have all known for a long time."

SOURCE Leonard Carder, LLP

-0-