

LABOR AND EMPLOYMENT LITIGATION

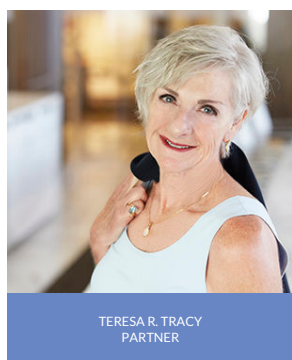
Our Labor and Employment attorneys regularly practice in all California State and Federal Courts, providing representation in:

- Wage and hour matters
- Complex class actions
- Wrongful termination claims
- Discrimination and harassment disputes
- Non-solicitation and non-competition actions
- Enforcement of confidentiality agreements
- Unfair competition actions involving former employees

Such representation routinely involves an early evaluation of whether such disputes can be efficiently resolved through mediation, arbitration, or some other informal or formal dispute resolution procedure.

We similarly provide a wealth of experienced representation in administrative proceedings before the Department of Fair Employment and Housing, California Labor Commissioner, Equal Employment Opportunity Commission, Department of Labor, Employment Development Department, Division of Labor Standards Enforcement, OSHA, and similar administrative agencies.

Professionals



TERESA R. TRACY
PARTNER

Representative Clients and Matters

- » *Brinkley v. Public Storage, Inc.* 167 Cal. App. 4th 1278 (2008) - Made new law regarding California requirements for meal and rest breaks, as well as wage statements.
- » *Balatresi v. Consulate General of Italy in Los Angeles*, Case No. cv 14-990 DMG (JEMx) (C.D. Cal., December 5, 2014) - Successfully argued that the Consulate General had sovereign immunity under state and federal employment laws.
- » *BBA Aviation v. Superior Court (Engen)*, 190 Cal.App.4th 421 (2010) - Successfully argued that a foreign holding company was not subject to state jurisdiction in an employment action.
- » *Palacio v. Progressive Insurance Co.*, 244 F. Supp. 2d 1040 (C.D. Cal. 2002) - The first case in which summary judgment was granted in favor of overtime exempt status of insurance claims adjusters under federal law, which was cited in the revisions to the regulations regarding exempt status and picked up by the United States Department of Labor, which again concluded that claims adjusters should be treated as exempt.
- » *Lee Myles Associates Corp. v. Paul Rubke Enterprises, Inc.*, 557 F.Supp.2d 1134 (S.D.Cal. 2008) - Achieved dismissal of action for alleged breach of licensing agreement, trademark, infringement and unfair competition, making new law regarding the disgorgement of profits under California's Unfair Competition Law.
- » *Pike v. Public Storage Companies, Inc.* ARB No. 00-072, ALJ No. 1998-STA-35 (ARB Aug. 10, 1999) - Successfully defended claim brought under the Surface Transportation Assistance Act.

- » Hamid v. Price Waterhouse, et al. 51 F.3d 1411 (9th Cir. 1995) – Obtained dismissal of claims against Emirate of Abu Dhabi in an international banking dispute involving close to one hundred parties.
- » Citibank v. Crowell, Weedon & Co., 4 Cal. App. 4th 844 (1992) – Represented broker-dealer in dispute regarding stolen bearer bonds.
- » Cacciaguidi v. Superior Court, 226 Cal. App. 3d 181 (1990) – Represented broker-dealer in action for abuse of process and conspiracy.
- » Successfully defended national transportation company in wage and hour class action litigation.
- » Successfully defended regional retail company in wage and hour class action litigation.
- » Won summary judgment and successfully represented Fortune 500 client in meal and rest break class action litigated to the California Supreme Court.
- » Successfully defended national retail store operator in wage and hour class action litigation.
- » Represented national law firm in obtaining summary judgment on significant employment discrimination claims.
- » Created and coordinated the implementation of numerous reductions in force and plant closings for national companies.

Presentations & Publications

- » Webinar | "Structuring Employee Handbooks: Arbitration Provisions, Social Media Policies, Whistleblower Protections and More" | Strafford | February 7, 2018
- » Reminder to In-house Counsel: Know Your California Bar Licensing Requirements! | December 18, 2017
- » Webinar | Employment Law Issues After a Natural Disaster or Other Crisis: Compensation, Leave, Workplace Safety and More | November 16, 2017
- » EEO-1 Required Information has Changed | September 13, 2017
- » Webinar | EEO Internal Investigations: Guidance for Employment Counsel | Strafford | September 7, 2017
- » Ninth Circuit Decision That Mortgage Underwriters are Nonexempt Under the FLSA Has Greater Ramifications | July 27, 2017
- » Webinar | EEOC Onsite Investigations: Employer Best Practices for Preparing for and Cooperating With Investigators | Strafford | February 22, 2017
- » Webinar | Employee Handbooks Under Heightened Scrutiny: Guidance for Employment Counsel Structuring Handbook Provisions | November 9, 2016
- » "New Sexual Harassment Regulations" | Greater Los Angeles Association of Legal Administrators | July 7, 2016
- » New Requirements for California Harassment and Discrimination Prevention and Correction | March 14, 2016
- » Webinar | "NLRB Issues for Unionized and Non-Unionized Employers" | Law Firm Alliance | March 9, 2016
- » The New Year Brings New California Employment Laws (Part Two) | January 7, 2016
- » The New Year Brings New California Employment Laws (Part One) | January 5, 2016
- » Webinar | "Employees' New Tactic to Challenge Arbitration Agreements: A Trip to the NLRB" | Strafford | December 22, 2015
- » Webinar | "Drafting Employee Handbooks: Minimizing Exposure Risks" | Strafford | November 3, 2015
- » New California Law Provides Employers With a Limited Window of Correction for Paystub Violations | October 20, 2015
- » Employees' Pay Under Increasingly "Fair" Scrutiny | October 13, 2015
- » DOL Says "Most Workers Are Employees" Under New Administrator's Interpretation | July 16, 2015
- » The DOL Proposed Changes to Exempt Status: Tip of The Iceberg For California Employers | July 7, 2015
- » July 1, 2015: A Day of Change for California Employers (Part 2) | June 16, 2015
- » July 1, 2015: A Day of Change for California Employers (Part 1) | June 9, 2015
- » "Defending Against Damages in Wage and Hour Litigation: Preventive and Trial Techniques" | Strafford | November 6, 2014

- » "Wage & Hour Compliance Under California's Employee-Friendly Framework and New Legislation" | Strafford | January 2, 2014
- » "California's New Procedure for Investigating and Litigating Employment Discrimination Claims" | Strafford | December 4, 2013
- » Arbitration Provisions In Employee Handbooks May Not Be Enforceable | September 12, 2012
- » "When the EEOC Comes Knocking: Anticipating and Responding to Discrimination and Retaliation Investigations" | Strafford | July 6, 2011
- » "The New ADA Regulations: Managing Legal Exposure" | Celesq® AttorneysEd Center in partnership West LegalEdcenter | | June 2, 2011
- » "Employee Handbooks: Keys to Drafting Effective Policies for Your Clients" | National Constitution Center | March 10, 2011
- » "Drafting Your Smartphone Policy for Healthcare: Legal Do's & Don'ts" | Progressive Business Audio Conferences | August 5, 2010
- » "Cell Phone, BlackBerry and Social Media Policies that Minimize Employer Liability" | National Constitution Center | January 7, 2010
- » "EEOC Investigations on the Rise: Proactive Strategies to Respond to Discrimination Investigations and Prevail in Claims" | Strafford | January 21, 2010
- » "Effective Employee Handbooks: Drafting Policies That Work" | Progressive Business Audio Conferences | November 11, 2009
- » "California Wage and Hour Issues Affecting Residential Cleaning Franchisees" | October 1, 2009
- » "E-mail, Facebook & Blogging: Employee Internet Policies You Need Now" | Progressive Business Audio Conferences | September 10, 2009
- » "Drafting and Enforcing Dress Code Policies: What's Working, What's Not" | Progressive Business Audio Conferences | August 6, 2009
- » "Ricci v. DeStefano: Balancing Title VII Disparate Treatment and Disparate Impact" | Strafford | July 2, 2009
- » "Bulletproof Your Employee Handbook" | Progressive Business Audio Conferences | June 4, 2009
- » "2009 Labor and Employment Law Update" | Paramount Educational Seminars | April 2, 2009
- » "California Employment Law Update 2009: New Changes You Need to Know" | National Constitution Center | April 9, 2009
- » "EEOC Investigations: Effective Employer Strategies" | Strafford | April 2, 2009
- » "Employee Free Choice Act: Legal Strategies for Employers Facing Broader Unionizing Rights" | Strafford | April 2, 2009
- » "The New Employer COBRA Obligations" | Professionals in Human Resources Association, District 11 | March 5, 2009
- » "The Lilly Ledbetter Fair Pay Act" | Strafford | February 5, 2009
- » "The Employee Free Choice Act" | Professionals in Human Resources Association | January 1, 2009
- » "Civil Rights Litigation Update" | National Business Institute | July 3, 2008
- » "New Laws for California Employers for 2008" | Blue Collar Crossing | January 3, 2008
- » "Defending Collective and Class Claims: Class Certification, Trial and Settlement Strategies" | Strafford | September 5, 2007
- » "Managing DOL Investigations and Avoiding Litigation" | Strafford | September 6, 2007
- » "Latest Developments in Employment Law: What's In It For In-House Counsel?" | Association of Corporate Counsel America Southern California Chapter | January 4, 2007
- » "Wage and Hour Collective and Class Claims: Strategies for Defending Claims and Limiting Damages" | Strafford | March 2, 2006
- » "Electronic Discovery Do's and Don'ts" | Association of Corporate Counsel America Southern California Chapter | January 5, 2006
- » "Workplace Romance Poses New Legal Risk for Employers" | Strafford | November 3, 2005
- » "FMLA in Flux" | Strafford | October 13, 2005
- » "Employers May Debit Exempt Workers for Part-Day Absences" | Los Angeles Daily Journal | September 8, 2005
- » "Wage and Hour Collective and Class Claims: Changing State of the Law and Best Practices for Minimizing Claims" | Strafford | September 1, 2005

- » "Non-Compete Agreements Under Fire: Crafting Contracts to Protect Your Assets" | Strafford | August 4, 2005
- » "Disparate Impact Under the ADEA: Understanding the Practical Effect of Smith v. City of Jackson, Mississippi" | Strafford | July 7, 2005
- » "10th Annual Litigators Forum" | Women Lawyers Association of Los Angeles | May 20, 2005
- » "Equal Employment Opportunity Cases" | The California Labor & Employment Quarterly | 1996 - 2005 | January 19, 2005
- » "The Elimination of Bias in the Legal Department" | Association of Corporate Counsel America Southern California Chapter | January 28, 2005
- » "Practical Applications of Employment Law" | Sterling Education Services | April 15, 2004
- » "How Medical Information Fares in Judicial Proceedings" | Los Angeles County Bar Association, Labor & Employment Law Section | February 12, 2004
- » "Navigating the Maze: Various Leaves" | Professionals in Human Resources Association Annual Conference | January 8, 2003
- » "Fundamentals of Employment Law Practice" | The State Bar of California | January 18, 2001
- » "What Do You Mean This Person Is My Employee??" | Society for Human Resource Management, 52nd Annual Conference & Exposition | June 22, 2000
- » "Avoiding Employer Liability: Things You Should Know and Do" | Women Lawyers Association of Los Angeles and National Association of Women Business Owners, Los Angeles Chapter | November 11, 1999
- » "Employment Law for Entrepreneurs" | UCLA MBA Program |
- » "Living Trusts & More" | "It's Your Estate" Workshop Series |