



## Employment

### Description

Being a business owner means being aware of employment law risks, many of which can present existential threats to otherwise thriving businesses. The ever-evolving legal landscape, marked by near constant changes at the local, state, and federal levels, is perilous for employers. Business owners encounter few challenges as unpredictable and frequent as those posed by the minefield that is modern employment law. Partnering with the right law firm is vital to protecting both you and your business and preparing you to address the employment-related challenges that can make-or-break your path to overall success.

We are highly experienced employment law attorneys. Our experience in all aspects of employment law is a resource available to place you and your business in the best possible position to first avoid but “when necessary” survive, employment law claims. Resolving your matter efficiently is paramount, as we know that moving beyond a dispute is critical to your business operations. Every employment law matter is different, and our long history of litigating and counseling companies on employment law matters has prepared us to handle whatever you and your company may face.

Dunn DeSantis Walt & Kendrick’s team utilizes a measured and practical approach. From our firm’s inception, we have been trusted to represent publicly and privately held businesses ranging from start-ups and not-for-profit organizations to international companies of all sizes. We handle employment law disputes both inside and outside of the courtroom, and have extensive experience representing clients in state and federal courts and before administrative agencies. Every day, we defend employers in single-plaintiff lawsuits and in massive multi-state class action wage and hour and PAGA cases, some of which involve many thousands of workers. We also regularly defend employers in matters related to wrongful discharge, discrimination, harassment, retaliation, wage and hour violations, unfair competition, defamation and related claims.

Outside of the courtroom, we help employers mitigate risk. We do so by reviewing and drafting employee policies and contracts that are customized for your unique business. We roll up our sleeves and get involved in regulatory issues involving compensation and protected leave, responding to disability accommodation questions, guiding reorganizations and reductions in force. We conduct

internal investigations into employee complaints. And we step in to handle disciplinary and termination steps when necessary. We also counsel clients on union matters, the retention, transition, and separation of employees in connection with business acquisitions, sales and mergers and negotiating and drafting agreements concerning executive compensation, employee benefits, employee separation, risk waivers, arbitration, proprietary information and inventions, work from home, and other business protection documents.

Employers face a highly intricate and complicated legal environment. They must comply with a barrage of constantly changing laws. Our employment law team assists businesses and business owners in navigating the morass of workplace regulation. We conduct presentations and other training for your employees on regulatory and compliance standards. In particular, we assist with compliance related to the Affordable Care Act (ACA), Audits, EEOC/DFEH/EDD/DLSE/WCAB/DOL, Equal Employment Opportunity (EEO), Family and Medical Leaves (FMLA/CFRA), Wage and Hour Classification issues, Workplace Safety and Health (OSHA), PAGA, and more. We recognize that issues often arise without warning, and our team is always on-hand to provide prompt, simple answers to specific questions. This work is essential for most employers, as a healthy and compliant workplace ultimately protects your company's bottom line.

We also recognize your company's trade secrets and intellectual property are your most valuable assets. In the modern work environment, where employees can be impermanent and key information can be made public in an instant, it is essential to have lawful, state-of-the-art policies in place to proactively protect your proprietary information and abate risk. We are vigilant in our work to secure your critical business information and protect your business from unfair competition, defend unfair competition claims.

## Highlights

- Defended a national long-term healthcare provider against claims brought by a former employee arising out of her termination after she allegedly complained of and testified about numerous health and safety violations. The claims included wrongful termination in violation of public policy (whistle blowing), breach of implied employment contract, violations of multiple labor laws and defamation. Obtained a defense verdict in favor of client after a six-week jury trial in state court.
- Defended a public entity and its police department in an action brought by four female police officers alleging pervasive gender discrimination, sexual harassment, failure to prevent harassment and retaliation brought in state court. Successfully filed and argued a Motion for Summary Judgment brought as to every cause of action by each plaintiff; judgment was entered in favor of client on all claims shortly before trial.
- Defended a national medical billing company in a class action and Private Attorney General Act (PAGA) matter alleging multiple California wage and hour violations and violation of Labor Code section 2802 regarding voluntary work from home expense reimbursement. Successfully negotiated with the client's carrier to participate in the defense of the claims and resolved the matter before class certification.
- Obtained complete defense judgment in favor of client following trial of claims for alleged unpaid wages and misclassification of workers.

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- Litigated binding union-initiated arbitrations and prevailed in separate matters in which union alleged collective bargaining agreement violations and sought to overturn client's decisions to terminate employees.
  - Retained to provide ongoing representation to clients to defend employment-related claims including discrimination, harassment, sexual harassment, retaliation, failure to accommodate, wrongful termination, wage and hour issues, and other employment claims.
  - Representation of public entities concerning discrimination, harassment, assault, hostile work environment, failure to accommodate, leave policy violations, civil rights violations, retaliation, and other workplace claims.
  - Obtained favorable resolution of claim for misappropriation of trade secrets brought by a major California tech manufacturer against client who formerly headed the company's research and development department.
  - Engaged to represent several San Diego restaurant and nightclub owners in connection with general labor and employment disputes and counseling.
  - For over 20 years, Dunn DeSantis Walt & Kendrick has counseled and represented one of the United States' largest taxicab and limousine companies in litigation and employment matters.
  - Participated in the successful opposition to a motion for class certification of a 1700+ plaintiff class action in which named plaintiffs were independent contractors who claimed to be misclassified employees of a transportation management company. The Fourth District Court of Appeal affirmed, and the California Supreme Court denied review.
  - Represented employee with sexual harassment and wrongful termination claims against her former employer, which resulted in one of the top 50 labor & employment verdicts in the United States for 2023 following a multi-week jury trial.