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Attorneys for Plaintiff Fleming

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

GRACE FLEMING, individually and on behalf
of all other similarly situated aggrieved
employees,

Plaintiffs,

vs.

TRUSTED HEALTH, INC., AND DOES 1 - 50,
INCLUSIVE,

Defendants

Case No.: CGC-23-611120

**DECLARATION OF EVE H. CERVANTEZ IN
SUPPORT OF FINAL APPROVAL OF PAGA
SETTLEMENT, ATTORNEYS' FEES AND
EXPENSES, AND SERVICE AWARD**

Complaint Filed: December 15, 2023

Trial Date: August 25, 2025

Date: March 20, 2025

Time: 9:30 a.m.

Judge: Hon. Jeffrey S. Ross

Department: 606

1 I, Eve H. Cervantez, declare as follows:

2 1. I am a member in good standing of the bar of the State of California and this Court,
3 and a partner with the law firm Altshuler Berzon LLP, one of the counsel of record representing
4 Plaintiff in this case. I make these statements based on personal knowledge and would so testify
5 if called as a witness at trial.

6 2. This Declaration is submitted in support of Plaintiffs' Motion for Approval of
7 PAGA Settlement, Attorneys' Fees and Costs, and Service Awards.

8 **I. Qualifications**

9 3. Altshuler Berzon LLP specializes in complex civil litigation on behalf of plaintiffs,
10 particularly workers and consumers, with a broad range of substantive expertise in class action,
11 labor and employment, civil rights, environmental, constitutional, campaign and election, and
12 consumer law. Altshuler Berzon has been named as one of California's "Top Boutique Law
13 Firms" by the *Daily Journal*. A copy of the firm's resume listing representative cases is attached
14 hereto as Exhibit A.

15 4. I have been a partner at Altshuler Berzon since 2007, and was formerly a partner at
16 Lieff, Cabraser, Heimann, & Bernstein, LLP and Howard, Rice, Nemerovski, Canady, Falk &
17 Rabkin, P.C., and a staff attorney at the Prison Law Office. I am a 1992 *magna cum laude*
18 graduate of Harvard Law School, where I served as an editor of the *Harvard Law Review*. I
19 received my Bachelor of Arts in 1985 with honors from Washington University in St. Louis,
20 Missouri. I clerked for the Honorable Charles A. Legge, United States District Court, Northern
21 District of California. I am a Fellow of the College of Labor and Employment Lawyers, and
22 have been named a Northern California "Super Lawyer" in the area of Plaintiffs' side
23 Employment Litigation every year since 2010. My legal career has been devoted to litigating
24 complex class action lawsuits on behalf of plaintiffs, with a particular emphasis on civil rights
25 and wage and hour litigation on behalf of workers.

26 5. I have served as class counsel and/or plaintiffs' counsel in many wage and hour
27 class, collective, and PAGA representative actions including: *Aguiar v. Cintas* (L.A. Superior
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1 Court, Case No. BC310696) (\$6.5 million settlement of certified class action alleging violations
2 of Living Wage Ordinance); *Bare v. CDS* (Sacramento Superior Court, Case No. 34-2017-
3 00221115) (\$2.65 million settlement of PAGA representative action alleging failure to provide
4 suitable seating, plus provision of seating going forward); *Behaein v. Pizza Hut* (L.A. Superior
5 Court, Case No. BC384563) (\$6 million settlement of expense reimbursement and certified meal
6 and rest break class action); *Brooks v. US Bank* (N.D. Cal. Case No. C12-4935) (\$1.9 million
7 settlement of PAGA representative and class claims for rest breaks and suitable seating); *Danieli*
8 *v. International Business Machine Corporation* (S.D.N.Y. Case No. 08-cv-3688-SHS) (\$7.5
9 million settlement of misclassification case); *Hines v. KFC* (S.D. Cal. Case No. 09-cv-2422-JM
10 (POR)) (\$3.55 million settlement of certified meal and rest break class); *In Re: Farmers*
11 *Insurance Exchange Claims Representatives' Overtime Pay Litigation* (D. Or. MDL Case No.
12 1439) (trial of certified class action alleging misclassification); *Plummer v. Flexcare, Inc.*
13 (Alameda Superior Court, Case No. 23CV050251) (\$860,000 settlement of PAGA representative
14 action on behalf of travel nurses alleging overtime and bait-and-switch claims); *Rosenburg v.*
15 *International Business Machines Corp.* (N.D. Cal. Case No. 06-cv-0430 PJH) (\$65 million
16 settlement of misclassification case); *Sarmiento v. Fresh Harvest* (N.D. Cal. Case No. 5:20-cv-
17 7974-BLF) (\$2.031 million settlement of PAGA and wage and hour claims); *Thomas v.*
18 *California State Automobile Association* (Alameda County Superior Court Case No. CH217752-
19 0) (misclassification); *Tokoshima v. The Pep Boys – Manny Moe & Jack of Cal.* (N.D. Cal. Case
20 No. 12-cv-4810-CRB) (\$3.6 settlement of minimum wage certified class action); *Warner v.*
21 *Fry's Electronics, Inc.*, (Contra Costa Superior Court Case Number MSC14-02052) (\$2.7
22 million settlement of PAGA representative action) and *Zuckman v. Allied Group, Inc.* (N.D. Cal.
23 Case No. 02-cv-05800-SI) (misclassification). In 2013, I served as one of the primary trial
24 counsel in a class arbitration on behalf of approximately 7,000 truck drivers who alleged
25 KBR/Halliburton forced them to work off the clock.

26 6. I have also served as class counsel and/or plaintiffs' counsel in the following
27 employment discrimination class actions: *Ellis v. Google* (San Francisco Superior Court Case
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No. CGC-17-561299) (settlement of \$118 million plus injunctive relief in certified class action and PAGA representative action alleging gender discrimination and violation of Labor Code); *Gonzalez v. Abercrombie & Fitch Stores, Inc.* (N.D. Cal. Case No. 03-2817-SI) (settlement of \$40 million plus injunctive relief in case alleging race and gender discrimination against employees and applicants of retail store); *Holloway v. Best Buy* (N.D. Cal, Case No. 05-cv-05056-PJH) (settlement for comprehensive injunctive relief in race and gender class action); *Petersen v. Oracle America, Inc.* (San Mateo Superior Court Case No. 17:-CIV-02669) (settlement of \$25 million plus injunctive relief in class action and representative action alleging gender discrimination and violation of Labor Code); *Ries v. McDonald's* (W.D. Mich. Case No 1:20-cv-00002-JTN-RSK) (\$1.2 million settlement of certified class action involving systemic sex harassment); *Satchell v. Federal Express Corp.* (N.D. Cal. Case Nos. C03-2659 SI, C 03-2878-SI) (settlement of \$55 million, plus comprehensive injunctive relief, of certified race and national origin discrimination claims); and *Wynne v. McCormick & Schmick's Seafood Restaurants, Inc.* (N.D. Cal. Case No. C-06-3153 CW) (settlement included comprehensive injunctive relief and \$2.1 million in monetary relief in race discrimination case on behalf of applicants and employees).

7. I served as court-appointed co-lead counsel for plaintiffs and the proposed class in *In re Anthem, Inc. Data Breach Litigation*, No. 15-MD-02617-LHK (N.D. Cal) (\$115 million settlement of data breach consumer class action), for which I was named a "California Attorney of the Year." I served as one of class counsel in *Medeiros v. HSBC Card Servs., Inc.* (C.D. Cal. Case No. CV1509093JVSAFMX) (\$13 million settlement of consumer privacy case) and *Chang v. Wells Fargo Bank* (N.D. Cal. Case No. 4:19-cv-01973-HSG) (\$3.75 million settlement involving alleged Ponzi scheme).

8. I have also served as plaintiffs' counsel in class action cases on behalf of Medicaid beneficiaries, including *Oster v. Lightbourne*, No. 09-cv-04668-CW, 2012 WL 691833 (N.D. Cal. Mar. 2, 2012) (court ordered injunctive relief in certified class action); and *MR. v. Dreyfus*, 697 F.3d 706 (9th Cir. 2011).

1 9. I also write about employment law issues on a regular basis. I am on the Board of
2 Editors for the Fair Labor Standards Act (Bloomberg, Fourth and Third Eds., and Supplements).
3 I have also been a chapter editor or contributor to Employment Discrimination Law (Bloomberg,
4 Cumulative Supplements to the Third and Fourth Editions) and Wage and Hour Laws, A State-
5 by-State Survey (Bloomberg, Third and Second Eds. and Supplements).

6 10. I also frequently lecture about employment class action issues, including wage and
7 hour class actions. In the past several years, I have spoken on these issues at the ABA Section of
8 Labor and Employment Law Annual CLE Conferences, and conferences and seminars sponsored
9 by the California Employment Lawyers Association (“CELA”), the National Employment
10 Lawyers Association (“NELA”), the State Bar of California Labor and Employment Law
11 Section, the Bar Association of San Francisco Labor and Employment Section and the Impact
12 Fund. For example, I have presented on the following topics: “The Care and Feeding of Experts:
13 A Practical Perspective” (ABA Section of Labor and Employment Law, 2024); “Class Action
14 Update: Pay Equity” (Impact Fund Conference, 2024); “Multiple Individual and Mass
15 Arbitrations” (ABA Section of Labor and Employment Law, 2023); “Taking Wage and Hour
16 Class and Collective Actions to Trial” (NELA Annual Conference, 2023); “Class Certification of
17 Sexual Harassment Claims: A Brief History” (ABA Section of Labor and Employment Law,
18 2022); “Settlement and Release of Overlapping State and Federal Damages Claims” (ABA
19 Section of Labor and Employment Law, 2021); “Trial of Discrimination Class Action Cases”
20 (ABA Section of Labor and Employment Law, 2018); “Structuring Class Settlements That Will
21 Get Approved” (Bridgeport, 2015); “Structuring Class Settlements That Will Pass Muster in
22 Court, and Minimize Risks of Objections” (Bridgeport, 2014); “Class and Collective Action
23 Certification of Independent Contractor Misclassification Cases” (NELA, March 2013); “The
24 More Things Change....Class Action Developments Since Our Last Conference” (BASF, 2013);
25 “Updates on Class Actions and Future Trends in Wage & Hour Class Actions” (Bridgeport,
26 2012); “Recognizing and Handling Potential Conflicts of Interest in the Prosecution and
27 Settlement of Employment Class Action Lawsuits” (NELA, June 2010); “Introduction to Class
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1 Actions and Collective Actions” (ABA Section of Labor and Employment Law, August 2008);
2 and “Class Action Trial Plans” (CELA Advanced Wage and Hour Seminar, 2007).

3 11. Robin Tholin has been an associate at Altshuler Berzon since 2021. She is a 2019
4 *cum laude* graduate of Harvard Law School, where she was an Executive Editor of the Harvard
5 Law Review. She received a Bachelor of Arts with honors in 2012 from Wesleyan University.
6 She served as a law clerk to Hon. Marsha S. Berzon, United States Court of Appeals for the
7 Ninth Circuit. At Altshuler Berzon, she has worked on a variety of class action and PAGA cases,
8 including *Adolph v. Uber Technologies, Inc.*, 14 Cal.5th 1104 (2023); *Petersen v. Oracle*
9 *America, Inc.* (San Mateo Superior Court Case No. 17:-CIV-02669); and *Plummer v. Flexcare,*
10 *Inc.* (Alameda Superior Court Case No. 23CV050251).

11 **II. Investigation, Litigation, and Settlement of this Action; Fairness of Settlement**

12 12. Altshuler Berzon joined this litigation after co-counsel at Stueve Siegel Hanson
13 LLP had already filed a PAGA letter on behalf of plaintiff, but before the filing of the complaint.
14 Altshuler Berzon undertook initial review of wage statements, handbooks, and other employment
15 materials provided by plaintiff and conducted legal research into the bases for bringing these
16 claims before filing the complaint on December 15, 2023.

17 13. Altshuler Berzon attorneys met and conferred with counsel for Defendant Trusted
18 to discuss the mandatory topics for a Case Management Conference, then drafted a Joint Case
19 Management Conference Statement, and negotiated with defendant’s counsel over the language
20 in the CMC Statement through several revisions, before filing the CMC Statement and appearing
21 at the Case Management Conference on June 11, 2024. Pursuant to this Court’s order, we then
22 negotiated a Stipulation and [Proposed] Order on dates with defendant’s counsel.

23 14. Altshuler Berzon also drafted formal discovery requests and served them on
24 defendant Trusted in August 2024.

25 15. At that time, the parties began exploring settlement possibilities, and we met and
26 conferred with defendant’s counsel about potential mediators, and defendant’s request that
27 formal discovery be postponed while we discussed settlement. Altshuler Berzon then drafted
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1 informal mediation related discovery requests, which we discussed with defendant's counsel.

2 16. We reviewed the documents produced by defendant for mediation purposes,
3 including information on the number of potentially aggrieved employees, the number of pay
4 periods worked by those potentially aggrieved employees, and the number of pay periods in
5 which potential Labor Code violations had occurred (*i.e.* pay periods in which the aggrieved
6 employees had worked overtime, and/or had their number of shifts reduced or their contractual
7 pay rate reduced). We also reviewed over one thousand pages of core documents produced by
8 defendant for mediation purposes, including employee handbooks containing applicable policies,
9 job descriptions, and payroll practice documents.

10 17. The parties drafted and exchanged confidential mediations briefs setting forth their
11 view of the law and the facts in advance of the mediation. Plaintiffs' counsel carefully reviewed
12 and analyzed the materials produced during informal discovery and conducted further legal
13 research to support their claims and respond to possible defenses. Plaintiffs also carefully
14 calculated defendant's potential exposure using the pay period data that had been provided in
15 informal discovery.

16 18. The parties engaged in a full day mediation session with Jonathan D. Andrews, Esq.
17 on October 22, 2024. At the end of the mediation, Mr. Andrews made a mediator's proposal,
18 which both sides accepted.

19 19. The parties then spent several weeks negotiating a Memorandum of Understanding
20 (MOU) to flesh out the details of the mediator's proposal, and finalized the MOU on November
21 14, 2024.

22 20. Altshuler Berzon then drafted a long form settlement agreement for review by
23 defendant. The parties continued to negotiate over the precise terms of the settlement agreement
24 and exchanged several drafts of the agreement. The parties signed the long form settlement
25 agreement on February [REDACTED], 2025.

26 21. Throughout the case, plaintiffs have provided the Labor & Workforce Development
27 Agency ("LWDA") notice of their PAGA letters and complaints, and paid LWDA the requisite
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1 PAGA fees. I submitted the complaint to the LWDA on December 19, 2023. I submitted a copy
2 of this proposed settlement to the LWDA through their website concurrently with its submission
3 to the Court today.

4 22. This case involves multiple different claims, encompassing different subsets of
5 PAGA Group members' pay periods. That is, not every violation occurred every pay period, and
6 in some cases it was difficult to discern in what pay period what violations may have occurred.
7 Accordingly, it is difficult to calculate a maximum potential recovery for this case with any
8 certainty. PAGA's default civil penalty is \$100 for initial violations and \$200 for subsequent
9 violations. Defendant is paying a Gross Settlement Fund of \$1,000,000 for a total of 25,286 pay
10 periods worked by PAGA Group members, that is, approximately \$40 per pay period, or 40% of
11 the maximum initial penalty amount for each pay period worked (even if no violation occurred
12 during that pay period). The settlement will also result in meaningful payments to PAGA Group
13 members even though, by law, they only receive 25% of PAGA penalties. Dividing the portion
14 of the projected net settlement fund of at least \$155,416.00 that will be distributed to PAGA
15 Group members—this is the \$1,000,000 common fund less amounts paid to the LWDA,
16 Plaintiff's counsel's attorneys' fees and expenses, the cost of administration, and Plaintiff's
17 settlement payment and \$1,000 modest service award—by the 1,123 PAGA Group members
18 results in a per capita net settlement payment of approximately \$138.00. Of course, the amount
19 received by individual PAGA Group members will vary by the number of pay periods worked by
20 that individual, but \$138.00 per PAGA Group member is, in my opinion, a significant recovery
21 in a PAGA case.

22 23. Although we are confident in the PAGA claims asserted here, defendant raised
23 many potential defenses. For example, defendant indicated that it would likely assert that some
24 or all of Plaintiff's purported causes of action are barred, in whole or in part, by applicable
25 statutes of limitations. Additionally, a claim under Section 970 requires Plaintiff to show that
26 defendant "influence[d], persuade[d], or engage[d] any person to change from one place to
27 another in this State or from any place outside to any place within the State," and did so "through
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1 or by means of knowingly false representations.” Cal. Labor Code § 970. There is a risk that, if
2 the PAGA bait-and-switch claim went to trial, the Court could find that Trusted Health did not
3 knowingly misrepresent the compensation offered to its employees (for example, that Trusted
4 Health lowered the compensation paid to travel clinicians because the health care facility
5 unexpectedly reduced the rate it would pay Trusted Health). Additionally, we were unable to
6 locate any litigated PAGA claim based on section 970 violations that would demonstrate the
7 correct way to calculate affected pay periods. If defendant were correct that the number of pay
8 periods at issue on such a claim is only the pay period where the reduction occurs, as opposed to
9 all pay periods after a reduction, that would also limit the scope of the available PAGA penalties.
10 Plaintiff’s overtime claim is based on a theory that Trusted Health failed to include per diem
11 stipends in calculating employees’ regular rate of pay (and hence the applicable overtime rate) as
12 required by *Clarke v. AMN Services, LLC* (9th Cir. 2021) 987 F.3d 848. The parties here dispute
13 the extent to which defendant’s policy is similar to the policy described in *Clarke*, and thus
14 whether the per diem stipends the company offers must be treated as part of the regular rate for
15 the purpose of calculating the overtime rate. Plaintiff also assert claims under multiple other
16 Labor Code statutes based on the same legal theories described above. These claims therefore
17 face the same risks. The derivative claims face a further challenge as to whether they increase
18 defendant’s exposure. Plaintiff believes that these penalties for different violations can be
19 “stacked,” such that each pay period is subject to multiple penalties, but understand that
20 defendant would argue to the contrary.

21 24. Given these uncertainties, that the settlement values each pay period at
22 approximately \$40 makes this a substantial settlement for the State of California and PAGA
23 Group members. The recovery here is excellent: PAGA Members and the State of California
24 will receive approximately 40% of their potential recovery, just a little over a year after the
25 complaint was filed, without having to endure years of litigation. This settlement is therefore in
26 the best interests of the PAGA Members, and furthers the goals of PAGA to enforce the Labor
27 Code through private enforcement. In my experience litigating many PAGA cases, this
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1 settlement is fair, reasonable, and adequate.

2 **III. Reasonableness of Altshuler Berzon LLP's Lodestar**

3 25. Altshuler Berzon undertook this representation of Plaintiffs and prospective PAGA
4 members to the exclusion of paying work, devoting substantial time and out-of-pocket costs to
5 this litigation. My firm has not received any payment for the time it has devoted to this case, and
6 has taken the risk that it would not be reimbursed for the time it has spent.

7 26. The regular and customary practice at Altshuler Berzon is for all attorneys, law
8 clerks, and paralegals to maintain contemporaneous time records setting forth the amount of time
9 spent (rounded to the nearest one-tenth of an hour) on each task in each case, with explanatory
10 descriptions of each task performed. I and my colleagues followed this practice throughout this
11 litigation. During the course of this litigation, my law firm used a time entry program to record
12 our billable time. At or near the time the work was performed, individual billers' hours were
13 inputted into the system, which recorded and stored the time as individual electronic entries,
14 along with detailed descriptions of the tasks performed. Shortly after the end of each month, each
15 biller electronically released his or her time entries to the accounting department. The accounting
16 department electronically imported all time entries for that month into the accounting system

17 27. To calculate my firm's lodestar for this case, I asked our accounting department to
18 retrieve all of the time records for this case, including the time records of all attorneys and
19 paralegals at Altshuler Berzon who have worked on this case through January 31, 2025. I then
20 carefully reviewed all of those records and exercised billing judgment in eliminating any time
21 entries that may have been duplicative or inefficient.

22 28. Using these computerized time records, as reduced through the exercise of my
23 billing judgment, our bookkeeper derived a detailed billing statement of daily time entries
24 through January 31, 2025. The following chart lists each biller, the number of hours expended,
25 their 2025 commercial billing rate, and total fees (excluding those entries that I deleted in the
26 exercise of billing judgment):

<u>Biller</u>	<u>Position</u>	<u>Graduation Year</u>	<u>Hours</u>	<u>2024 Rate</u>	<u>Fees</u>
Cervantez, Eve	Partner	1992	41.90	1,300.00	\$54,470.00
Tholin, Robin	Associate	2019	52.30	705.00	\$36,871.50

94.20

\$91,341.50

29. As the above chart demonstrates, Altshuler Berzon has expended in excess of 94 hours on this litigation through January 31, 2025, with a commercial lodestar value exceeding \$91,000. The hours set forth above do not reflect the additional work Altshuler Berzon will have performed by the time of the hearing on Plaintiffs' motion for settlement approval. We will submit an updated fee declaration including February time prior to the scheduled hearing on March 20, 2025.

30. The billing rates for commercial litigation clients are the hourly rates that Altshuler Berzon regularly bills to full-rate clients who are billed, and pay, for hourly legal services on a monthly basis. In 2024, Altshuler Berzon charged, and commercial rate clients paid, \$1250 per hour for my time, and in 2023, Altshuler Berzon charged, and a commercial rate client paid, \$1200 for my time. In 2019, Altshuler Berzon was paid for my time at my commercial hourly rate of \$900, and Altshuler Berzon has charged commercial rate clients, and been paid, my commercial hourly rate by other clients in other years. Other members of my firm also regularly charge and are paid their commercial rates to fee-paying clients, including our 2024 commercial rates which begin at \$1325 per hour for senior partners. We recently set our 2025 commercial rates, including my rate of \$1300 and Robin Tholin's rate of \$705, based on the market rate for legal services in San Francisco, and these are the rates that we are charging commercial rate clients in 2025. (January 2025 bills have not yet been sent or paid.)

31. I regularly litigate attorneys' fees on behalf of my firm. As such, in addition to the commercial hourly rates charged by my firm, I have regular occasion to research and learn the

1 commercial market rates for attorneys handling complex litigation in the Bay Area, including by
2 reviewing court opinions, market research articles, and other sources of attorneys' fee
3 information. Accordingly, I am familiar with market rates charged for complex litigation in the
4 Bay Area.

5 32. I have personal knowledge of the hourly rates charged by other San Francisco Bay
6 Area attorneys with comparable experience to those of the Altshuler Berzon attorneys who
7 worked on this case. Based on that information, I believe that Altshuler Berzon's current
8 commercial rates, including those of the attorneys who worked on this case, are fully consistent
9 with, or lower than, the market rate for attorneys with comparable expertise, experience, and
10 qualifications handling similarly complex litigation

11 33. In addition, the reasonableness of Altshuler Berzon's rates are supported by our
12 extensive and specialized experience in litigating complex class action lawsuits and PAGA
13 representative actions, as evidenced by numerous court orders approving our rates over the years.

14 34. Altshuler Berzon's commercial hourly rates and their historical equivalents,
15 including my rates, have been repeatedly approved by courts, including in the following cases:
16 *Petersen v. Oracle America, Inc.*, No.:17-CIV-02669 (San Mateo Super. Ct. Oct. 10, 2024)
17 ("Class Counsel's hourly rates are reasonable, particularly given Class Counsel's substantial
18 experience in complex class actions and employment discrimination litigation;" approving for
19 purposes of lodestar cross check my 2024 commercial rate of \$1250 and Robin Tholin's
20 commercial rate of \$675); *Chang v. Wells Fargo Bank*, No. 4:19-cv-01973-HSG (N.D. Cal. Oct.
21 23, 2023 ("the billing rates used by class counsel to calculate the lodestar are in line with
22 ...prevailing rates in this district for personnel of comparable experience, skill, and reputation,"
23 including "Altshuler Berzon LLP rates of \$825 to \$1275 for partners, \$550 to \$700 for
24 associates, and \$325 for paralegals"; approving my 2023 commercial rate of \$1200 for purposes
25 of lodestar cross-check,); *Sarmiento v. Fresh Harvest*, No. 5:20-cv-7974-BLF (N.D. Cal. Oct.
26 30, 2023) (finding my 2023 commercial rate of \$1200 to be reasonable for purposes of lodestar
27 crosscheck); *Kim v. Tinder, Inc.*, No. 18-CV-03093 JFW (C.D. Cal. March 4, 2022) (finding my
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2021 commercial rate of \$1,025 per hour to be reasonable for purposes of lodestar cross-check); *Bare v. Club Demonstration Services*, No. 34-17-00221115 (Sacramento County Super. Ct. Aug. 26, 2020) (approving my 2020 commercial rate of \$975 per hour for lodestar cross-check); *Medeiros v. HSBC Card Servs., Inc.*, No. CV-15-9093-JVS-FMX, 2017 WL 11632870, at *12 (C.D. Cal. Oct. 23, 2017) (approving my 2017 commercial rate of \$860 per hour in using lodestar crosscheck for percentage of common fund, despite objections to reasonableness of attorney rates by objector); *Cancilla v. Ecolab, Inc.*, No. 12- CV-3001 JD (N.D. Cal. January 5, 2016) (approving my commercial rate of \$795 per hour, lodestar cross check for percentage of common fund); *Tokoshima v. The Pep Boys — Manny, Moe & Jack*, No. 12-04810 CRB (N.D. Cal.) (January 26, 2015) (approving my 2014 rate of \$775 per hour, lodestar cross check for percentage of common fund).

IV. Altshuler Berzon's Litigation Expenses

35. Altshuler Berzon LLP has also incurred and paid litigation costs and expenses related to this case. Our firm maintained complete and accurate records of all such expenses, and based on those records, our bookkeeper has compiled our expenses as of January 31, 2025. These are costs and expenses that we would normally bill to fee-paying clients. The following chart summarizes the costs and expenses incurred and paid by Altshuler Berzon:

Costs Through January 31, 2025	
<u>Category</u>	<u>Cost</u>
Courier	\$ 60.50
Online Legal Research	\$ 00.35
Postage	\$ 10.81
Court Document Access	\$ 1.00
PHV Fees	\$ 51.25
Filing Service	\$ 252.71
Filing Fees	\$2,015.00
Service of Process	\$ 40.00
Courtcall	\$ 216.00
	<u>\$2,647.62</u>

36. As the chart demonstrates, altogether Altshuler Berzon expended \$2,647.62 in litigation expenses. We expect to incur further expenses in filing this Motion, and will submit

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updated costs before the hearing.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Cancun, Mexico, on February 20, 2025.

By: /s/Eve H. Cervantez
Eve H. Cervantez

Exhibit A

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BRONWEN B. O'HERIN
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JONATHAN ROSENTHAL
MICHAEL RUBIN
CHRISTINE M. SALAZAR
TALIA STENDER
ROBIN S. THOLIN
EMANUEL A. WADDELL

FRED H. ALTSHULER (1943-2024)
FOUNDING PARTNER
PARTNER EMERITUS

STEPHEN P. BERZON
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SPECIAL COUNSEL

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PARTNERS EMERITUS

AARON SCHAFER-NEITZ
CAROLINE HUNSICKER
COLIN CLEMENTE JONES
FELLOWS

January 2025

FIRM RESUME

Altshuler Berzon LLP is a San Francisco law firm that specializes in labor and employment, constitutional, environmental, civil rights, campaign and election, and impact litigation, at both the trial and appellate levels, in federal and state courts, as well as before administrative agencies.

CURRENT CASES

Altshuler Berzon LLP's current docket includes the following matters:

- * ***People of the State of California v. Purdue Pharma L.P.***: Appeal on behalf of California public entities from trial court ruling rejecting public nuisance challenge to opioid manufacturers' conduct as contributing to the creation of statewide epidemic of opioid overuse.
- * ***Berton v. Aetna, Inc.***: Co-counsel for plaintiffs in nationwide class action against Aetna alleging that its fertility policies discriminate against LGBTQ people.
- * ***Castellanos v. State of California***: Petition for review to the California Supreme Court from a Court of Appeal decision that upheld in part California's Proposition 22, a November 2020 ballot initiative that classifies drivers for gig transportation and delivery companies as independent contractors rather than employees.
- * ***People v. Uber; People v. DoorDash; Olson v. State of California***: Representation of union amici in support of cases brought by public officials in California state courts to enforce compliance with AB 5, California's law requiring gig companies to reclassify their drivers as employees, and in defense of AB 5's constitutionality in a challenge in the Ninth Circuit.
- * ***Fairley v. McDonald's Corp.***: Class action seeking to hold McDonald's responsible for failing to protect employees from sexual harassment at 100 corporate-owned restaurants in Florida.

* ***Scott v. McDonald's Corp.; Middlebrook v. McDonald's Corp.***: Federal district court suits brought on behalf of African-American McDonald's employees alleging racial discrimination, racial harassment, and, in *Scott*, retaliation for filing the lawsuit.

* ***In re Bank of America Cal. Unemployment Benefits Litigation***: Co-lead counsel in MDL class action on behalf of hundreds of thousands of unemployment insurance benefits claimants in California who allege that their access to benefits was wrongfully frozen due to the bank's lax security measures and failure to comply with statutory, contractual, and constitutional obligations.

* ***Viking River Cruises, Inc. v. Moriana***: Co-lead counsel in U.S. Supreme Court and in lower court proceedings in case involving enforceability of mandatory pre-dispute employment arbitration provision purporting to prohibit aggrieved employees from pursuing statutory rights under California's Private Attorney General Act (PAGA).

* ***Adolph v. Uber***: Lead counsel in California Supreme Court in case involving enforceability of mandatory pre-dispute employment arbitration provision purporting to prohibit aggrieved employees from pursuing statutory rights under California's Private Attorney General Act (PAGA).

* ***Jewett v. Oracle Corp.***: Class action under the California Equal Pay Act alleging that women employed in technology and technology support positions were paid less than men with similar qualifications performing similar work.

* ***Diaz v. Tesla, Inc.***: Compensatory and punitive damages retrial after a \$137 million jury verdict in an individual employee's lawsuit against Tesla for subjecting him to a racially hostile work environment in violation of 42 U.S.C. § 1981 and for negligent supervision and retention of a harassing co-worker.

* ***Center for Workers' Rights v. EDD***: California class action on behalf of unemployment insurance claimants whose access to benefits during COVID-19 pandemic was wrongfully denied by state agency's policies and practices in violation of claimants' statutory right to payment of benefits "when due."

* ***Tassinari v. The Salvation Army***: Class action under the Rehabilitation and Fair Housing Acts challenging disability discrimination against individuals with opioid use disorder through the defendant's policy prohibiting participants in Adult Rehabilitation Centers from accessing or using prescribed medication-assisted treatment.

* ***Inland Empire United v. Riverside County***: Writ petition challenging redistricting plan for Board of Supervisors in Riverside County as violating the California Fair Maps Act and the California Constitution.

* ***Washington Food Industry Ass'n et al. v. City of Seattle***: Defense of emergency Seattle ordinance requiring food delivery network companies like Instacart and DoorDash to provide their drivers with premium pay for work performed during the COVID-19 pandemic emergency.

* ***Nat'l Retail Fed'n v. California Dep't of Industrial Relations; Western Growers Ass'n v. California Occupational Safety & Health Standards Board***: Representation of union amici in defense of Cal-OSHA emergency temporary COVID-19 standards against challenges by retail and agricultural industry employers.

* ***Esmeralda v. City of Adelanto***: Appeal of Superior Court's denial of writ of mandate to prevent local authorities from permitting a private prison company to begin housing ICE detainees.

* ***NRDC v. Bernhardt***: Following remand from an 11-0 *en banc* victory at the Ninth Circuit, continued litigation of an environmental challenge to long-term contracts for the delivery of more than 2.3 million acre-feet of California Central Valley Project water and operations of that project, as posing a severe risk to the survival and recovery of the threatened Delta smelt and salmon.

* ***City of Oakland v. BP P.L.C.; County of San Mateo v. Chevron Corp.***: Representation of California public entities in climate-change litigation in district court, Ninth Circuit, and Supreme Court seeking to hold major oil and gas companies responsible under state public nuisance law for abating damage to public infrastructure resulting from their alleged half-century campaign of decision concerning the global warming impacts of fossil-fuel combustion.

* ***Pacific Coast Federation of Fishermen's Ass'ns v. Raimondo***: Federal district court lawsuit brought on behalf of a coalition of fishing and conservation groups challenging the Trump Administration's Endangered Species Act permits (known as biological opinions) for the operations of the Central Valley Project and State Water Project in California.

* ***OBOT v. City of Oakland; City of Oakland v OBOT***: Representation of City of Oakland in breach of contract actions between City of Oakland, the Oakland Bulk and Oversized Terminal, and California Investment Group regarding a dispute over the development of a bulk goods terminal on City land, which the developer wanted to use to ship coal.

* ***Spruell v. Acceptance Now, LLC***: Class action on behalf of low-income consumers against rent-to-own company that violates price-cap restrictions of California's Karmette Rental-Purchase Act.

* ***Candelore v. Tinder Inc.; Kim v. Tinder, Inc.***: State court lawsuit under California's Unruh Act against dating app for discriminatory pricing against older users, and challenge to federal court "reverse-auction" settlement of similar claims that defendant reached with another plaintiff after the Ninth Circuit invalidated those parties' original settlement as unfair and inadequate.

* ***Regents of the University of California v. United States Dep't of Homeland Security; County of Santa Clara v. Trump***: Federal court action challenging the Trump Administration's rescission and (after the U.S. Supreme Court ruled that rescission unlawful) modification of the Deferred Action for Childhood Arrivals ("DACA") program on constitutional, statutory, and equitable grounds.

* ***Transport Workers Union Local 55. v. Southwest Airlines Co.***: State court action alleging that the employer violated paid sick leave and kin care requirements of California and local law.

- * ***Faulkner v. Dominguez***: Defense of a union representing airline ramp, operations, provisions and freight agents in a federal court action for breach of contract.

- * ***Schuman v. Microchip Technology, Inc.***: ERISA class action in federal district court against a company that terminated its predecessor's workforce after a corporate merger, refused to pay them benefits under the predecessor's ERISA severance plan, and obtained release of ERISA claims by misrepresenting employees' entitlement to severance benefits.

- * ***American Airlines Flow-Thru Pilots Coalition v. Allied Pilots Ass'n***: Defense in the Ninth Circuit of district court's dismissal of a lawsuit alleging that a labor union breached its duty of fair representation by the positions it took in collective bargaining negotiations.

- * ***Chavez v. Plan Benefit Services, Inc.***: Federal court class action under ERISA for charging allegedly excessive fees for administrative and marketing services for health insurance and retirement plans.

- * ***State of Alaska v. Alaska State Employees Ass'n; Alaska State Employees Ass'n v. Dunleavy***: Defense on appeal to Alaska Supreme Court of summary judgment and permanent injunction in favor of Alaska state employees union and against State of Alaska preventing the State from unilaterally terminating state employees' union dues deductions, and from requiring state employee union members to annually renew their dues deduction authorizations after receiving a government "warning" that doing so would involve waiving their rights, where the superior court found that the State's conduct violated the Alaska Constitution, state statutes, and the collective bargaining agreement.

- * ***Health Care Ass'n of America v. Becerra***: Representation of a labor union intervenor in defense of a California law that allows unions to obtain names and telephone numbers of registered homecare aides who choose to share that information with unions.

- * ***NRDC v. Nat'l Oceanic and Atmospheric Administration – Fisheries***: FOIA lawsuit challenging the Fisheries Service's failure to provide records regarding its consultation on the impacts of the Central Valley Project and State Water Project on federally protected Chinook salmon.

- * ***Evans Hotels, LLC et. al. v. UNITE HERE! Local 30***: Representation of a labor union in defense of speech and petitioning activity alleged to violate federal labor, antitrust, and RICO laws and state common law.

- * ***SEIU v. Preferred Building Services***: Representation of union intervenor on remand in NLRB proceedings, following Ninth Circuit reversal of NLRB decision that had relied upon an unduly broad interpretation of the NLRA's secondary boycott provisions to uphold firing of janitorial service workers in response to their protests regarding sexual harassment and low wages.

- * ***Natural Resources Defense Council v. San Bernardino County***: Representation of environmental group seeking to require local governments in California to comply with the state's water-efficiency regulations under the Water Conservation in Landscaping Act.

* ***As You Sow v. Nestle Healthcare Nutrition, Inc.***: Representation of nonprofit group seeking to enforce California's Safe Drinking Water and Toxic Enforcement Act with respect to a pediatric organic whole food formula for tube feeding.

* ***Home Care Ass'n v. Newsom***: Representing intervening union to defend on appeal summary judgment rejecting NLRA preemption challenge to California statute requiring the government to disclose contact information for private home care workers to a union that seeks to organize the workers, so long as the worker does not object to disclosure.

* ***Fellowship of Christian Athletes v. San Jose Unified School Dist. Bd. of Educ.***: Defense of school district officials, teachers, and principals against challenge to denial of Associated Student Body recognition to a student group that requires its prospective leaders to pledge, *inter alia*, to oppose same sex relationships.

* ***Roberts v. Long Beach Community College Dist.***: Class action on behalf of community college adjunct professors alleging violations of California minimum wage law.

* ***Hartstein v. Hyatt Corp.***: Appeal of district court's grant of summary judgment to employer that failed to pay vested vacation pay to employees upon laying them off at the onset of the COVID-19 pandemic.

* ***Freedom Foundation v. Sacks***: Representation on appeal of intervening State Labor Council to defend summary judgment rejecting claims that state government's exclusion of anti-union organization from orientation meetings for new state employees violated the First Amendment and the Equal Protection clause because the employees' exclusive collective bargaining representative was permitted to attend.

* ***Operating Engineers Local 3 v. Marathon Petroleum Company/IBEW Local 302 v. Marathon Petroleum Company***: Actions to compel a refinery owner to arbitrate grievances alleging violation of a project labor agreement's subcontracting provisions.

* ***J. Ginger Masonry, LP***: Representation of charging party labor union in unfair labor practice charges against a masonry contractor for discharging five of its workers in retaliation for their union activity in violation of the National Labor Relations Act.

* ***DePaul Industries, Inc. v. City of Portland***: Defense of the City of Portland against federal court challenge to the City's labor peace contracting requirement.

* ***California Medical Ass'n v. Aetna, Inc.***: Representation of the California Medical Association in the California Supreme Court, seeking to overturn a Court of Appeal decision holding that organizational standing is not available under California's Unfair Competition Law.

* ***Kolkowski v. Ashtabula Area Teachers Ass’n***: Defense against challenge to public sector union’s right to control the arbitration portion of the collectively-bargained grievance procedure and to provide union-appointed counsel to represent the grievant in arbitration.* ***Wilford v. Nat’l Educ. Ass’n***; ***Polk v. SEIU Local 2015***; ***Cram v. Local 503 Service Employees Int’l Union***; ***Trees v. SEIU Local 503***; ***Craine v. AFSCME Council 26***; ***Espinoza v. Union of Physicians and Dentists***; ***Laird v. United Teachers Los Angeles***; ***Quezambra v. United Domestic Workers***; ***Goldstein v. Professional Staff Congress/CUNY***; ***Poyneer v. New York State United Teachers***; ***Barlow v. SEIU Local 668***; ***Biddiscombe v. SEIU Local 668***, and numerous other cases **pending in the federal district and circuit courts**: Defense of public sector labor unions against cases seeking to invalidate state laws providing for exclusive representation, challenging the validity of union membership agreements, and attempting to compel refunds of dues paid pursuant to voluntary membership agreements and fair share fees paid prior to the Supreme Court’s decisions in *Janus v. AFSCME Council 31* and *Harris v. Quinn*.

We also represent many local unions and apprenticeship programs on general matters, including litigation, negotiations, arbitrations and advice. In addition, we represent many workers in individual employment matters, public agencies in selected constitutional cases, and law firms and public interest organizations on statutory and common fund attorneys’ fees matters. We also defend labor unions and public interest groups against SLAPP suits, and regularly provide legal advice to both unions and public agencies on the drafting of legislation, ballot measures, and regulations.

VICTORIES

LABOR AND EMPLOYMENT

* ***UAW v. Johnson Controls*** (Supreme Court): Prohibited employers from adopting “fetal protection” policies that discriminate against female workers in violation of Title VII.

* ***UAW v. Brock*** (Supreme Court): Compelled the Department of Labor to restore \$200 million in wrongfully withheld Trade Act benefits to thousands of unemployed autoworkers and steelworkers.

* ***Ellis v. Google, Inc.***: Obtained \$118 million settlement, including comprehensive injunctive relief, in class action against Google under the California Equal Pay Act for paying women employees less than it paid men with similar qualifications performing similar work.

* ***Castellanos v. State of California***: Obtained and defended on appeal a decision invalidating a provision of California’s Proposition 22 that purported to preclude the state legislature from authorizing a system of collective bargaining representation for drivers for transportation and delivery network companies like Uber, Lyft, and DoorDash.

* ***Bower v. Bunker Hill Co.***: Restored, after a six-week jury trial, tens of millions of dollars of retiree health insurance benefits that had been terminated following the shutdown of Idaho’s largest private employer.

* ***Yick v. Bank of America***: Obtained a preliminary injunction against Bank of America, in MDL class action on behalf of hundreds of thousands of unemployment insurance benefits claimants in California who allege that their access to benefits was wrongfully frozen due to the bank's lax security measures and failure to comply with statutory, contractual, and constitutional obligations, preventing the bank from continuing to deny unauthorized transaction claims or to freeze cardholder accounts based on the results of the bank's "claim fraud filter," and further requiring the bank to reopen all claims that it previously denied based on the results of the filter, to give those individuals a prompt opportunity to authenticate their identities, and to issue provisional credit pending investigation to anyone who authenticates their identity if the bank does not complete its investigation within 10 business days.

* ***Center for Workers' Rights v. EDD***: Negotiated partial settlement of California class action (while continuing to litigate the remainder of the case) on behalf of unemployment insurance claimants whose access to benefits during COVID-19 pandemic was wrongfully denied by state agency's policies and practices, which will require the agency to stop freezing benefits for people whose existing claims have eligibility questions, and instead to implement a "pay now" policy to issue conditional payments while the agency investigates those questions.

* ***Dynamex Operations West v. Superior Court***: Obtained a unanimous California Supreme Court ruling establishing a new legal standard for distinguishing between employees and independent contractors under California Wage Orders.

* ***Interpipe Contracting v. Becerra***: Successfully helped defend, on behalf of a labor organization as amicus curiae, state law that required construction workers' consent to divert their wages to industry advancement programs on public works projects.

* ***Clark v. City of Seattle; Rasier LLC v. City of Seattle***: Representing the City of Seattle, defeated constitutional, statutory, and administrative law challenges to rules implementing Seattle ordinance authorizing collective organization and negotiation by independent contractor drivers who work for for-hire transportation companies, such as Uber and Lyft.

* ***Golden Gate Restaurant Ass'n v. City and County of San Francisco***: Obtained a Ninth Circuit ruling upholding, against an ERISA preemption challenge, a San Francisco ordinance that requires employers either to provide health benefits to their employees or to pay into a City fund for the same purpose.

* ***Nicanor Casumpang, Jr. v. Hawaiian Comm'l & Sugar Co.***: Obtained dismissal of a former union member's duty of fair representation claim against labor union, including successful defense of dismissal ruling before the Ninth Circuit.

* ***Pimentel v. Aloise***: Obtained dismissal with prejudice of union members' LMRDA challenge to union leadership election.

* ***Gerawan Farms v. Agricultural Labor Relations Board***: Representing United Farm Workers union in conjunction with in-house counsel, obtained California Supreme Court decision overturning Court of Appeal decision and upholding the constitutionality of a California law requiring binding interest arbitration to resolve agricultural labor disputes.

* ***UAW v. Kiddoo***: Required California to resume paying unemployment compensation to almost 400,000 unemployed workers following a budgetary impasse between the Legislature and the Governor.

* ***Bay Area Laundry Workers v. Ferbar*** (Supreme Court): Established a longer statute of limitations for suits against employers who withdraw from multi-employer pension plans.

* ***Burlington Northern Santa Fe Ry. Co. v. Int'l Bhd. of Teamsters Local 174***: Obtained a unanimous *en banc* Court of Appeals decision overturning decisions that had severely weakened the protection afforded by the Norris-LaGuardia Act to union economic action.

* ***Armendariz v. Foundation Health Psychcare Services.***: Obtained a California Supreme Court ruling that employers cannot require their employees, as a condition of employment, to resolve employment claims through arbitration, where the arbitration agreement does not provide for specific procedural protections.

* ***UFCW Local 751 v. Brown Shoe Group, Inc.*** (Supreme Court): Established union standing to sue employers that violate the Worker Adjustment and Retraining Notification Act's statutory notice requirements.

* ***Vergara v. California***: Overturned on appeal a trial court decision invalidating as unconstitutional California statutes governing public school teacher tenure and layoff.

* ***Air Line Pilots Ass'n, Int'l v. United Airlines, Inc.***: Obtained declaratory and injunctive relief on behalf of United Airlines pilots requiring the airline to comply with California's Kin Care law, which requires employers that offer paid sick leave to allow employees to use up to half of that leave to care for ill relatives.

* ***24 Hour Fitness USA, Inc.; Totten v. Kellogg Brown & Root, LLC***: Obtained rulings from the National Labor Relations Board and the Central District of California striking down mandatory employment arbitration agreements that prohibit class collective actions and representative actions as violations of the right to engage in concerted protected activity guaranteed by the National Labor Relations Act.

* ***Ochoa v. McDonald's***: Obtained substantial settlements with both franchisee and McDonald's in California state law class action brought on behalf of restaurant crew members employed in franchisee-owned McDonald's fast food outlets, alleging numerous violations of California employment law and seeking to establish McDonald's corporate liability on joint employer and other theories.

* ***Greene v. Dayton***: Obtained an Eighth Circuit decision affirming a District Court's dismissal of claims that a state law permitting homecare workers for Medicaid program participants to be represented by a union is preempted by the National Labor Relations Act, violates the Contract Clause, and tortiously interferes with the right to contract.

* ***Does I, et al. v. The Gap, Inc.***: Negotiated a \$20 million settlement and innovative workplace monitoring program in anti-sweatshop class action on behalf of 30,000 Chinese and other foreign workers against Saipan garment factories and retailers for alleged violations of the Racketeer Influenced and Corrupt Organizations Act, the Alien Tort Claims Act, the Fair Labor Standards Act, and federal common law.

* ***Granite Rock Co. v. Int'l Bhd. of Teamsters*** (Supreme Court): Obtained a U.S. Supreme Court decision rejecting an employer's unprecedented attempt to expand Section 301 of the Labor Management Relations Act to include tort theories for interference with contract by international union.

* ***Regents of the University of Wisconsin v. Adidas***: Representing an intervening Indonesian labor union, obtained a settlement in a Wisconsin state court action brought to hold Adidas responsible under a University licensing agreement for unpaid wages and benefits owed to 2,700 Indonesian garment workers employed by a bankrupt factory that manufactured Adidas apparel.

* ***Washington Service Contractors Coalition v. District of Columbia***: Successfully defended against a federal preemption challenge a local displaced worker ordinance that requires new service contractors to retain the employees of their predecessors.

* ***NLRB v. Town & Country Electric, Inc.*** (Supreme Court): Protected paid union organizers from discriminatory discharge or refusal to hire under the National Labor Relations Act.

* ***Carrillo v. Schneider Logistics, Inc.***: Obtained a \$22.7 million settlement in a federal District Court class action on behalf of low-wage immigrant warehouse workers who alleged that Walmart, its warehouse operator, and their labor services contractors were joint employers liable for a series of state and federal wage-and-hour violations, including for imposing an unlawful group piece rate scheme, wage fraud, and a wrongful mass retaliatory termination.

* ***Does I Thru XXIII v. Advanced Textile Corp.***: Established the right of workers to sue under fictitious names and withhold their identities from their employers, where they reasonably fear that disclosure of their identities will result in severe retaliation.

* ***Brinker Restaurant Corp. v. Superior Court***: Obtained a unanimous California Supreme Court decision, which ultimately resulted in a \$56 million settlement, establishing standards governing meal period and rest break claims, and affirming in part and reversing in part trial court's certification of class of low-wage restaurant workers.

* ***AFL-CIO v. Employment Development Dep't***: Compelled California to continue to pay unemployment compensation benefits to hundreds of thousands of claimants per year pending evidentiary hearings on their continued eligibility.

* ***Bunn v. Nike, Inc.***: Obtained class action settlement on behalf of California consumers who are deaf or hard-of-hearing requiring Nike to accommodate their disabilities during COVID-19 pandemic by making clear-plastic insert facemasks available to sales personnel to use in communicating with class members.

* ***Veliz v. Cintas Corp.***: Obtained a \$22.75 million settlement of class actions and individual cases pending in the Ninth Circuit, the Northern District of California, the Judicial Panel on Multidistrict Litigation, and AAA arbitration, each of which challenged a nationwide industrial laundry company's policy of classifying its drivers as exempt from overtime requirements of federal and state wage-and-hour laws.

* ***McDonald v. CP OPCO, LLC dba Classic Party Rentals***: Obtained a substantial settlement in a federal class action alleging that defendants failed to provide notice to their employees prior to closing their facilities or conducting a mass layoff, in violation of the federal and California WARN Acts.

* ***Hawaii State Teachers Ass'n; United Public Workers v. Lingle***: Enjoined the Governor of Hawaii from unilaterally implementing unpaid furloughs for all state employees of three days per month on the ground that unilateral implementation violated the state constitutional right to collective bargaining.

* ***El Centro v. Lanier***: Defeated a state constitutional challenge to a California law that provides charter cities with a financial incentive to require contractors on municipal construction projects to pay prevailing wages to their employees and to hire apprentices.

* ***Broussard v. First Tower Loan, LLC***: Obtained an arbitration decision holding that an employer violated Title VII's prohibition against sex discrimination when it constructively discharged a transgender male employee by requiring that he act and dress in conformity with traditional female gender stereotypes, and awarding economic and non-economic damages. In subsequent proceedings, the EEOC relied upon the arbitration decision to procure a consent decree requiring substantial changes in the defendant's treatment of transgender employees.

* ***SEIU-UHW v. Fresno County IHSS Public Authority***: Obtained an injunction requiring Fresno County to maintain the wage and benefit rates paid to providers of in-home support services pending arbitration of the union's grievance regarding the wage and benefit reduction.

* ***D.R. Horton***: On behalf of amici SEIU and Change to Win, obtained a ruling from the National Labor Relations Board (later reversed by Fifth Circuit) that employers commit an unfair labor practice by including prohibitions against joint, class, and collective actions in mandatory employment arbitration agreements.

* ***Narayan v. EGL***: Obtained a Ninth Circuit reversal of a District Court's grant of summary judgment to an employer of delivery truck drivers, on the grounds that the District Court had improperly applied Texas law to California drivers' statutory wage and hour claims and incorrectly concluded that the drivers were independent contractors rather than employees.

* ***Andino/Ahmad/Arenzana/Avilo/Khan/Narayan v. EGL/CEVA***: Obtained settlements in multiple federal court actions asserting wage and hour claims under the California Labor Code on behalf of delivery truck drivers who were allegedly misclassified as independent contractors rather than employees.

* ***Satchell v. FedEx Express***: Obtained a consent decree providing \$55 million in monetary relief to two classes of African-American and Latino employees of FedEx Express, as well as comprehensive injunctive relief against discriminatory employment practices, including reducing managerial discretion in promotions, compensation and discipline, and prohibiting the use of a promotion test that had an adverse impact on minority employees.

* ***Noe v. Superior Court***: Obtained a Court of Appeal decision holding that businesses that hire contractors can be held liable under California's Private Attorney General Act for their contractors' misclassification of the contractors' employees as independent contractors.

* ***Bright v. 99 Cent Only Stores, Inc.; Home Depot v. Superior Court***: Obtained Court of Appeal rulings that California workers have private right of action under the Labor Code for civil PAGA penalties against employers who violate minimum labor conditions standards guaranteed by Industrial Wage Commission wage orders.

* ***Pulaski v. California Occupational Safety and Health Standards Board***: Successfully defended the nation's first safety standard on ergonomics against an industry challenge, and invalidated exemptions that would have prevented that standard from applying to most California workplaces.

* ***Passantino v. Johnson & Johnson Consumer Products, Inc.***: Successfully defended on appeal a multi-million dollar jury award in an employment discrimination action under federal and state law.

* ***SkyWest Pilots ALPA Organizing Committee v. SkyWest Airlines, Inc.***: Obtained a temporary restraining order and a preliminary injunction prohibiting an airline from interfering with its pilots' rights to organize and to free expression under the Railway Labor Act.

* ***Glaviano v. Sacramento City Unified Sch. Dist.***: Obtained a California Court of Appeal decision reversing trial court's interpretation of attorney's fees statute requiring labor organization to disclose amount paid to outside counsel for representation of union member.

* ***Employee Staffing Services, Inc. v. Aubry***: Defeated an employee-leasing company's ERISA preemption challenge to California's workers' compensation laws.

* ***California Teachers Ass'n v. Governing Board of Salinas City Elementary Sch. Dist.***: Obtained a California Supreme Court order vacating, and a subsequent Court of Appeal decision reversing, a prior Court of Appeal opinion that had required union to arbitrate non-waivable statutory claims brought on behalf of its members; on remand, obtained writ requiring school district to place teachers on the correct steps on the salary schedule and to provide more than \$3 million in back pay and interest.

* ***State Building & Construction Trades Council v. Aubry***: Struck down, as a usurpation of legislative authority, administrative regulations that would have lowered by 20 percent the prevailing wage rate paid to construction workers on public projects.

* ***Bell v. Farmers Ins. Exchange (Bell III)***: Obtained an appellate decision upholding the largest overtime pay jury verdict in history, in class action on behalf of insurance company claims representatives who were misclassified as exempt under California's wage and hour law, and subsequently negotiated a settlement in excess of \$200 million for class members.

* ***Turman v. Superior Court***: Obtained an appellate decision holding that individual owners and their companies can be held jointly and severally liable for wage violations if they satisfy the Wage Order and common law definitions of "employer" under California law.

* ***The Hess Collection Winery v. California Agricultural Relations Board***: Successfully defended against a constitutional challenge a California statute providing for the binding resolution of disputes between agricultural employers and their union-represented employees arising from their failure to agree on an initial labor contract, thereby guaranteeing that agricultural workers will obtain an initial contract.

* ***Long Beach City Employees v. City of Long Beach***: Overturned on state constitutional grounds a city policy requiring public employees to submit to polygraph examinations.

* ***Kaiser Aluminum and Chemical Corp.***: Obtained a ruling that a national aluminum manufacturer violated the National Labor Relations Act by unlawfully locking out 3,000 of its employees and must pay them approximately \$175 million in back wages, at that time reputed to be the highest backpay award in the history of the Act.

* ***Associated Builders and Contractors v. Nunn; ACTA v. Smith***: Defeated federal court preemption challenges to a regulation raising the minimum wage rates for California apprentices.

* ***Duran v. U.S. Bank***: Obtained a unanimous California Supreme Court ruling, after briefing and oral argument on behalf of a coalition of amicus groups, allowing California employees to prove class-wide claims through surveys, and statistical and representative evidence, as long as trial plan provides their employer an adequate opportunity to prove individualized affirmative defenses.

* ***Amaral v. Cintas Corp.***: Won a \$1.6 million summary judgment in a class action challenging a nationwide laundry company's systematic underpayment of its workers, defeating state law preemption and federal due process challenges to a local living wage ordinance.

* ***Ellis v. Costco Wholesale Corp.***: Obtained an \$8 million settlement on behalf of a class of women employees who alleged gender discrimination in promotions in violation of Title VII of the 1964 Civil Rights Act, as well as wide-ranging programmatic relief modifying corporate policies to allow women a greater chance of promotions in the future.

* ***AFL-CIO v. Marshall***: Obtained a ruling requiring payment of an additional 26 weeks of extended unemployment compensation benefits, worth billions of dollars, to unemployed workers nationwide.

* ***Capers v. Nunn***: Obtained a decision upholding a California Apprenticeship Council ruling that precluded non-union apprenticeship program from operating outside its approved geographic area.

* ***Vaughn v. Tesla***: Obtained appellate ruling in case of first impression holding that victims of racial harassment may seek “public injunction” under California Civil Rights Act and may pursue claims for public injunctive relief in court despite individual arbitration agreements because agreements prohibit non-individual relief.

* ***Ibarra v. Wells Fargo Bank; Kang v. Wells Fargo Bank***: Successful defense on appeal of a nearly \$100 million California class action settlement on behalf of bank employees who challenged their bank employer’s methodology for calculating one-hour wage premiums for violations of California rest-break law.

* ***Berman v. Microchip***: Obtained settlement of ERISA severance benefits claims on eve of trial, after six years’ of litigation, for 100% of unpaid benefits, plus nearly 5% annual pre-judgement interest and full statutory fees, in case challenging company’s post-merger refusal to comply with predecessor company’s severance plan.

* ***Rosenburg v. Int’l Business Machines Corp.***: Obtained a \$65 million settlement in a class action brought on behalf of IBM information technology specialists for failure to pay overtime compensation.

* ***Air Line Pilots Ass’n, Int’l v. Emery Worldwide Airlines, Inc.***: Obtained an eight-figure settlement of breach of contract claim on behalf of airline pilots who were permanently furloughed when their employer ceased flight operations.

* ***Cremin v. Merrill Lynch***: Settled a nationwide sex discrimination class action on behalf of women brokers, resulting in establishment of novel claims procedure and agreement by brokerage firm no longer to compel any employees to arbitrate statutory discrimination claims.

* ***Curtis-Bauer v. Morgan Stanley & Co., Inc.***: Obtained a \$16 million class-action settlement for African-American and Latino financial advisors and financial advisor trainees requiring Morgan Stanley to change its account distribution procedures to de-emphasize historical factors that have an adverse impact on minorities, to engage in active recruitment of minority financial advisors, to tie manager compensation to diversification efforts, and to provide other non-monetary relief.

* ***Akau v. Tel-A-Com Hawaii***: Upheld, against an employer’s ERISA preemption challenge, Hawaii’s Dislocated Workers Act, which provided supplemental unemployment compensation benefits to workers adversely affected by plant closings.

* ***Reigh v. California Unemployment Insurance Appeals Board***: Obtained the right to unemployment compensation for workers in non-safety-sensitive jobs who were discharged after refusing to take, or failing, a random drug test.

* ***Martens v. Smith Barney***: Settled a nationwide sex discrimination class action on behalf of women brokerage employees, resulting in a novel claims procedure allowing for potentially tens of millions of dollars in damages.

* ***California Hospital Ass’n v. Henning***: Overcame a federal statutory challenge to a California law requiring payment of accrued vacation pay to workers upon cessation of employment.

* ***United Public Workers v. Yogi***: Invalidated a state public employee wage freeze that conflicted with the state constitutional right to organize for the purpose of collective bargaining.

* ***St. Thomas - St. John Hotel & Tourism Ass’n v. Gov’t of the U.S. Virgin Islands***: Defeated a federal preemption challenge to a Virgin Islands statute that protects employees from termination without cause.

* ***Simo v. Union of Needletrades, Industrial & Textile Employees***: Successfully defended on federal appeal a labor union’s use of the “garment industry proviso” to Section 8(e) of the National Labor Relations Act.

* ***Adcock v. United Auto Workers; Patterson v. Heartland Industrial Partners, LLP***: Obtained decisions from the Fourth Circuit (Adcock) and the Northern District of Ohio (Patterson) holding that an agreement under which an employer agrees to remain neutral in union organizing campaigns in return for the union’s agreement to limitations on such campaigns does not violate Section 302 of the Labor Management Relations Act or the Racketeer Influenced and Corrupt Organizations Act.

* ***Heartland Industrial Partners, LLP and the United Steelworkers of America, AFL-CIO***: Obtained a decision from the National Labor Relations Board upholding a neutrality and card-check organizing agreement under Section 8(e) of the National Labor Relations Act.

* ***Pearson Dental Supplies v. Superior Court***: Obtained a California Supreme Court ruling that requires heightened judicial review of an arbitration award, issued pursuant to a mandatory arbitration agreement, that is challenged on the ground that the arbitrator’s legal error deprived the claimant of a hearing on the merits of a fundamental statutory or common law claim.

* ***Danielli v. Int’l Business Machines Corp.***: Obtained a \$7.5 million common-fund settlement in a class action brought on behalf of IBM employees for IBM’s failure to pay overtime compensation.

* ***Vendachalam v. Tata Int’l***: Obtained a Ninth Circuit decision that Tata International, India’s largest conglomerate, could not force its overseas workers to arbitrate employment disputes before Tata’s hand-picked arbitrators in Mumbai.

* ***SEIU Local 24/7 v. Professional Technical Security Services, Inc.***: Obtained a settlement under state wage and hour laws providing payments to hundreds of low-wage workers as reimbursement for uniform cleaning expenses.

* ***Int’l Longshore & Warehouse Union, Local 142 v. Brewer***: Obtained a settlement on behalf of a class of retirees from sugar and pineapple plantations compensating them for the company’s termination of their medical plans.

* ***Vega v. Contract Cleaning Maintenance, Inc.***: Obtained class-action settlements on behalf of low-wage janitors and maintenance workers who were misclassified as independent contractors, providing double overtime, reimbursement of allegedly unlawful paycheck deductions, and statutory interest.

* ***Wynne v. McCormick & Schmick's Seafood Restaurants, Inc.***: Obtained a consent decree against a restaurant chain requiring it to implement a series of measures to increase the representation of African-American employees in “front of the house,” i.e., server, bartender, and host/hostess, positions.

* ***Southern California Edison Co. v. Public Utilities Comm’n***: Obtained a decision upholding the authority of the Public Utilities Commission to order utilities to require the payment of prevailing wages to construction workers on energy utility construction projects.

* ***Adams v. Inter-Con Security Systems, Inc.***: Obtained a \$4 million settlement compensating private security guards who were required to work “off the clock” without pay and requiring the company to pay its employees in the future for the time they spend in mandatory training sessions and pre-shift briefings.

* ***Martin v. New United Motor Mfg., Inc.***: Obtained a \$4.65 million settlement from an automobile manufacturing plant for failure to compensate its employees for donning and doffing protective gear, in violation of federal and state law.

* ***IBEW v. Eichleay***: Enforced a multi-million dollar arbitration award against an employer that tried to evade its contract obligations through a non-union alter ego.

* ***Local 1564 v. City of Clovis***: Invalidated a local “right to work” law enacted by a New Mexico city.

* ***Patel v. Sugan***: Obtained a nearly \$2 million settlement in a class action challenge to a pharmaceutical company’s refusal to pay contractually-mandated severance pay and bonuses to employees upon sale of the company, representing complete recovery of all monies owed plus ten percent interest.

* ***EQR/Legacy Partners***: Obtained a settlement in administrative action of \$1.6 million in back wages to construction workers who were not paid the prevailing wage required on public works projects.

* ***Californians for Safe and Competitive Dump Truck Transportation v. Mendonca***: Defeated an industry challenge to the application of California’s prevailing wage law to motor carriers after the enactment of trucking deregulation.

* ***Fry v. Air Line Pilots Ass’n***: Defeated an attempt to hold a union liable under RICO and state tort law for ostracism allegedly directed against strikebreakers.

* ***IBEW Locals 595 and 6 v. LIS Electric***: Won a private attorney general action, after a multi-week trial, against a construction contractor and its president for failing to pay workers prevailing wages on public works projects.

- * ***Int'l Longshore and Warehouse Union Local 142 v. Hawaiian Waikiki Beach Hotel:*** Obtained an order requiring the corporate parent of a hotel in receivership to arbitrate claims for millions of dollars in accrued vacation and severance pay owed to the hotel's employees.
- * ***SEIU v. County of San Bernardino:*** Obtained an injunction prohibiting one of the nation's largest counties from depriving its employees of their right to discuss union issues at work.
- * ***Retlaw Broadcasting Co. v. National Labor Relations Board:*** Successfully defended on appeal the National Labor Relations Board's decision that an employer unlawfully implemented a contract proposal allowing it to bypass the union and negotiate directly with its individual employees.
- * ***San Joaquin Regional Transit Dist.:*** Obtained an arbitration award that stopped a transit district from contracting out numerous jobs held by union-represented workers.
- * ***Driscoll v. Oracle:*** Negotiated a \$12.7 million settlement in nationwide overtime case under the Fair Labor Standards Act and state law on behalf of internet sales representatives.
- * ***UAW Local 2244 and New United Motor Manufacturing, Inc.:*** Obtained an arbitration award in excess of a million dollars for violation of a contractual provision requiring an employer to pay wage premiums to employees who start their shifts before 6:00 a.m.
- * ***ATU Local 1292 and Alameda County Transit Dist.:*** Obtained an arbitration award prohibiting a public transit district from using a lease arrangement to evade contractual restrictions on outsourcing bargaining unit jobs.
- * ***ATU Local 1292 and Alameda County Transit Dist.:*** Obtained a stipulated arbitration award requiring a public transit district to pay eight deceased employees' beneficiaries more than \$300,000 in underpaid death benefits.
- * ***California Fed'n of Interpreters v. Region 1 Court Interpreter Employment Relations Committee; California Fed'n of Interpreters v. Region 2 Court Interpreter Employment Relations Committee; California Fed'n of Interpreters v. Region 4 Court:*** Obtained arbitration awards requiring Superior Courts to pay mileage compensation to court interpreters and holding that the courts acted illegally by giving interpreting assignments to independent contractors.
- * ***New United Motor Manufacturing, Inc. and United Auto Workers, Local 2244:*** Successfully challenged in arbitration an employer's policy of terminating sick leave benefits for ill or injured employees, providing relief to nearly one hundred employees.
- * ***Int'l Bhd. of Electrical Workers Local 551 v. WSB Electric:*** Enjoined a contractor and its officers from continuing to commit unfair business practices by underpaying workers on public works projects, leading to the debarment of the contractor from bidding on public works projects for three years.

* ***Associated Builders and Contractors***: Obtained a National Labor Relations Board decision that an association of non-union construction contractors violated the National Labor Relations Act by filing and prosecuting a lawsuit challenging a union program to recapture jobs for union workers.

* ***McCabe Hamilton & Renny Co., Ltd. v. Int'l Longshore & Warehouse Union, Local 142***: Obtained, and secured against federal court challenge, a \$355,000 arbitration award for a longshore worker who was assaulted, permanently disabled, and forced to spend two years in a witness protection program due to the employer's breach of a contractual duty to provide a safe workplace.

* ***Advocate Health Care Network v. Service Employees Int'l Union***: Obtained dismissal of defamation, commercial disparagement, unfair trade practices, and maintenance claims arising from union's support for community campaign to change hospital chain's practice of overcharging uninsured patients.

* ***In re Opinion of Bill Lockyer, Attorney General (State Allocation Board)***: Obtained an interpretation from the California Attorney General requiring school districts to utilize competitive bidding laws to award public school construction projects, thereby insuring that union contractors have an opportunity to bid on such work.

* ***In re Santa Ana Transit Village***: Obtained a California administrative ruling that a transfer of property for a redevelopment project at so-called "fair reuse value" is not equivalent to a transfer at the "fair market price," thereby requiring the payment of prevailing wages to construction workers on those projects.

* ***Wagner v. Professional Engineers in California Gov't***: Established that the appropriate remedy for legal deficiencies in a union's annual fair share fee notice is for the union to correct and re-issue the notice, not to refund fees previously collected.

* ***Bricklayers and Allied Craftworkers Local 3 v. Northern California Mason Contractors Multiemployer Bargaining Ass'n***: Obtained an arbitration award upholding a union's right to allocate annual economic increases under a collective bargaining agreement between wages and fringe benefits.

* ***Contra Costa County and Contra Costa Public Defenders Ass'n***: Obtained an arbitration award against Contra Costa County for violating the "parity" clause of its collective bargaining agreement, which required the County to provide its public defenders with any new benefits provided to its district attorneys.

* ***Montoya v. Laborers Int'l Union of North America***: Obtained the voluntary dismissal with prejudice, after filing a motion to dismiss on grounds of justiciability and preemption, of a challenge to an international labor union's procedures for transferring geographic jurisdiction between local union affiliates.

* ***Southern Wine & Spirits v. Simpkins***: Defeated a motion for preliminary injunction in Florida state court seeking to prevent California-based employee of Florida company from working for company's California competitor.

- * ***SEIU Local 24/7 and Pacific Gas & Electric Co.***: Obtained a seven-figure arbitration award for an employer's failure to pay its security guards for on-duty meal periods.
- * ***UGL-UNNICO Service Co.***: Helped obtain a National Labor Relations Board decision reinstating a bar to challenging a union's majority status after a new employer assumes control of an organized facility, thereby allowing the parties a reasonable period of time to negotiate a collective bargaining agreement.
- * ***S&F Market Street Health Care LLC and Windsor of North Long Beach***: Obtained a victory before a National Labor Relations Board administrative law judge and an injunction in federal District Court in a case alleging that a nursing home employer engaged in unlawful "surface bargaining" by insisting on a package of contract proposals that would have forced the union to surrender all representational authority for the duration of the collective bargaining agreement.
- * ***Sheen v. Screen Actors Guild***: Successfully defeated a motion for preliminary injunction under the Labor-Management Reporting and Disclosure Act seeking to stop the counting of votes in a union merger election, resulting in the merger passing by an overwhelming majority.
- * ***Holloway v. Best Buy Co., Inc.***: Obtained a consent decree, with a four-year duration, in a federal court class action requiring changes in Best Buy's personnel policies and procedures that will enhance the equal employment opportunities for the thousands of women, African Americans, and Latinos employed by Best Buy nationwide.
- * ***Reed v. Los Angeles Unified Sch. Dist.***: Overturned on appeal a California Superior Court decision approving a settlement agreement that impaired the statutory and contractual rights of public school teachers, over the objection of the teachers' union (which had not agreed to the settlement), on the grounds that the approval of the settlement violated the teachers' due process right to an adjudication of the merits of the underlying claim and the requirements of the California statute regarding judgments based on settlements.
- * ***Los Angeles Times Communications LLC v. Los Angeles Unified Sch. Dist.***: On behalf of an intervening labor union, obtained a Court of Appeal decision holding that public school teachers' performance evaluations, identified with particular teachers, are not subject to disclosure under the California Public Records Act.
- * ***Professional Engineers in California Gov't v. Brown***: Obtained, and successfully defended on appeal, a ruling that the California Governor and Department of Personnel Administration exceeded their authority by unilaterally imposing unpaid furloughs on public employees.
- * ***CRONA and Stanford Hospital & Clinics***: Obtained an arbitration decision finding that an employer violated the recognition clause of a collective bargaining agreement by transferring represented nurses' duties to non-union nurses.
- * ***CRONA and Stanford Hospital & Clinics and Lucile Packard Children's Hospital***: Obtained an arbitration decision that stopped hospitals from making unilateral changes to reduce nurses' health benefits.

- * ***CRONA and Stanford Hospital & Clinics***: Obtained an arbitration decision ordering a hospital to pay specialty skills incentive payments to nurses in the hospital's main operating room.
- * ***CRONA and Stanford Hospital & Clinics***: Obtained an arbitration decision finding that employer violated the collective bargaining agreement by canceling on-call shifts shortly before they were to take place, without paying on-call pay.
- * ***CRONA and Stanford Health Care***: Obtained an arbitration decision finding that employer violated the collective bargaining agreement's seniority provision by imposing a scheduling policy that required nurses in a unit to be scheduled to work at least one late shift every schedule period, rather than scheduling all shifts by skill mix and seniority.
- * ***Turtle Bay Exploration Park, City of Redding***: Obtained a decision on administrative appeal that a hotel project was covered by the California's prevailing wage law because the developer was not paying fair-market rent for the use of public land, overturning the agency's original, contrary determination.
- * ***Air Conditioning Trades Ass'n v. Baker***: Obtained the dismissal of a constitutional challenge to a California law that protects prospective apprentices from exploitation by requiring a showing of a training need before state approval will be granted to new apprenticeship programs.
- * ***CRONA and Stanford Hospital & Clinics***: Obtained an arbitration decision finding that a union could grieve an employer's violations of procedural protections in the collective bargaining agreement related to termination of probationary employees.
- * ***Kairy v. SuperShuttle Int'l, Inc.***: Obtained a Ninth Circuit decision reinstating California employment law claims brought by misclassified airport drivers whose employer argued that allowing the claims to proceed in court would impermissibly interfere with the regulatory authority of the California Public Utilities Commission.
- * ***Green v. Bank of America***: Two successful Ninth Circuit appeals in a "suitable seating" case brought on behalf of bank tellers, overturning District Court rulings that had construed the California law to require each employee to specifically request seating, had held the law preempted by the National Banking Act, and had imposed excessive exhaustion requirements on employees seeking statutory relief.
- * ***Alex Rodriguez v. Major League Baseball Players Ass'n***: Defended Major League Baseball Players Association against duty of fair representation claims asserted by baseball player whose challenge to Major League Baseball drug testing suspension was resolved in a collectively bargained arbitration procedure, resulting in the player's voluntary dismissal of his lawsuit shortly after filing complaint.
- * ***Iskanian v. CLS Transportation***: Briefed and argued a California Supreme Court case prohibiting employers from requiring arbitration of representative action claims brought against California's Private Attorney General Act.

* ***SEIU Healthcare Michigan v. Snyder***: Obtained an injunction under the Contract Clause of the U.S. Constitution against the implementation of a Michigan statute that would have nullified an existing collective bargaining agreement covering thousands of homecare workers.

* ***Acquisto v. Sacramento City Unified Sch. Dist.***: Obtained a writ of mandate overturning a school district's mass layoff of public school teachers out of seniority order.

* ***United Farmworkers of America, AFL-CIO v. Dutra Farms***: Obtained judgments against 18 growers and a growers' association prohibiting them from illegally financing an "employee committee" to defeat union organizing drives.

* ***Steam Press Holdings, Inc. v. Hawaii Teamsters, Local 996***: Established that federal labor law precludes an employer from obtaining damages under state defamation law for economic losses resulting from a strike.

* ***In re Gulf USA Corp. and Pintlar Corp.***: Preserved millions of dollars of retiree medical benefits in a major bankruptcy proceeding on behalf of thousands of retired Idaho mine and smelter workers.

* ***IBEW Local 595 v. Aubry***: Enjoined the Department of Industrial Relations from spending taxpayer funds to implement a new methodology that would drastically cut prevailing wage rates, where the Legislature had refused to appropriate funds for that purpose.

* ***California State Building and Construction Trades Council v. Duncan***: Enjoined the expenditure of state funds on administrative rulemaking proceedings that would have lowered the minimum wage for apprentices throughout California, on the ground that the Governor lacked the authority to item-veto the Legislature's decision not to fund such proceedings.

* ***County of Alameda v. Aubry***: Enjoined California from reducing the prevailing wage in the construction industry by 20 percent, where the agency had failed to comply with the Administrative Procedure Act's rulemaking requirements.

* ***United Steel Workers Local 12-369 v. United Steel Workers, Int'l***: Successfully defended at trial and on appeal an international union wrongfully accused of discrimination and violations of labor law.

* ***Williamson v. Microsemi***: Obtained a \$2.35 million settlement, amounting to 113% of targeted bonuses, on behalf of a class of employees and executives of a merged company who failed to receive change-in-ownership/retention bonuses to which they were entitled after the completion of the merger.

* ***Salas/Pette/Slack v. Int'l Union of Operating Engineers***: In three separate cases, obtained dismissal with prejudice of meritless state and federal claims, including claims under the federal RICO statute, brought against an international union and its officials.

* ***CRONA and Lucile Packard Children's Hospital***: Obtained an arbitration award ordering hospital to pay its nurses contractually-required weekend premium pay in excess of \$100,000.

* ***Bierman v. Dayton; D'Agostino v. Patrick; Mentele v. Inslee; Hill v. SEIU***: Defeated constitutional challenges to state laws that permit childcare and homecare workers to have union representation.

* ***Int'l Franchise Ass'n, Inc. v. City of Seattle***: Assisted, as amicus curiae, in defeating a motion for preliminary injunction that sought to stop Seattle's \$15 minimum wage from going into effect, and subsequently in successfully defending the District Court's denial of the preliminary injunction on appeal to the Ninth Circuit, after which the plaintiff voluntarily dismissed the case.

* ***Nat'l Restaurant Ass'n v. Comm'n of Labor***: Secured dismissal on the merits of a fast food industry challenge to a New York state wage order requiring a \$15 per hour minimum wage to be paid to workers in chain restaurants.

* ***Demetris v. Transport Workers Union; Letbetter v. Transport Workers Union***: Obtained and defended on appeal a judgment of dismissal in favor of a labor union sued over its equity distribution plan in connection with American Airlines' bankruptcy proceedings.

* ***Friedrichs v. California Teachers Ass'n***: Along with co-counsel, successfully defended against constitutional challenge California's "fair share fee" statute, which requires employees who share in the benefits of public sector collective bargaining, but who choose not to become members of the union that represents them, to pay a pro rata portion of the union's costs in obtaining those benefits.

* ***Vaquero v. Ashley Furniture Industries, Inc.***: Successfully defended on appeal a federal court class certification order on behalf of commissioned furniture sales personnel who were not separately paid for non-sales activity, where the employer failed to maintain records documenting the extent of that unpaid work.

* ***United Public Workers, AFSCME, Local 646 v. Ige***: Obtained an injunction from the Ninth Circuit temporarily prohibiting the implementation of a Hawai'i state statute that would privatize public health care facilities during the term of a collective bargaining agreement covering those facilities, and subsequently obtained a settlement protecting the affected employees' jobs.

* ***Unico v. Harris***: Obtained a federal District Court decision upholding against a federal preemption and constitutional challenge a California law requiring contractors performing work at refineries to use a skilled and trained workforce.

* ***Trustees of the U.A. Local 38 Defined Benefit Pension Plan v. Trustees of the Plumbers and Pipe Fitters Nat'l Pension Fund***: Successfully represented, with co-counsel, a national pension fund in arbitration, federal District Court, and the Ninth Circuit, in obtaining and defending an arbitration award requiring a local pension fund to remit full pension contributions to the home pension fund of traveling employees pursuant to a national reciprocity agreement between the funds.

* ***Alvarez v. Inslee***: Defeated a constitutional challenge to collectively bargained agreements that grant union representatives access to the public sector employees they represent.

* ***Fisk v. Inslee***: Obtained summary judgment in federal District Court upholding union dues authorization agreements against a constitutional challenge, and successfully defended summary judgment ruling on appeal.

* ***Bayer v. Neiman Marcus***: Obtained Ninth Circuit rulings that (1) an employer's imposition of a mandatory company-wide arbitration agreement that limited rights protected under the Americans with Disabilities Act, after the plaintiff-employee had already filed an administrative complaint with the EEOC, unlawfully interfered with the employee's ability to pursue his ADA rights; and (2) that nominal damages are available for such interference, even though the ADA precludes compensatory damages.

* ***AFT Local 2121 v. Accrediting Comm'n for Community and Junior Colleges***: Representing labor organizations and individual community college faculty members in a federal court challenge to the practices of an organization that accredits California community colleges and to that entity's threatened termination of the accreditation of City College of San Francisco, obtained a settlement that preserved City College's accreditation and mandated policy and standards changes that increased the accrediting organization's transparency and accountability, and that avoided interference with the unions' collective bargaining relationships.

* ***Guzman-Padilla v. Van de Pol***: Negotiated a settlement of a federal court case brought on behalf of approximately 120 Hispanic employees of a dairy, under which the employer agreed to make substantial changes to its employment and housing policies and practices and to pay \$390,000 in class monetary relief.

* ***Riffey v. Rauner***: Upheld on appeal to the Seventh Circuit a federal District Court decision refusing to certify a plaintiff class seeking to recoup fair share fees previously paid for union representation in collective bargaining and grievance representation.

* ***Riverbank Unified Sch. Dist. v. Comm'n on Professional Competence***: Obtained a California Court of Appeal decision ordering reinstatement of a teacher who had been wrongfully terminated, where the Superior Court failed to apply the correct legal standard and to accord sufficient weight to the administrative tribunal's credibility determinations.

* ***Todd v. Amalgamated Transit Union Local 1574***: Obtained dismissal of claims against a union for breach of the duty of fair representation, breach of contract, and intentional infliction of emotional distress arising from a grievance arbitration.

* ***Western States Trucking Ass'n v. Schoorl***: Represented an intervenor union in obtaining a federal District Court judgment upholding against a federal preemption challenge California's use of the "ABC test" to determine whether truck drivers are employees or independent contractors for purposes of a wage order.

* ***Simpson Strong-Tie Co.***: Obtained an arbitration award against an employer's installation of surveillance cameras in the workplace without prior bargaining with the union that represents the company's workers.

* ***In the Matter of the Seniority List Integration Arbitration Between the Pilots of Alaska Airlines and the Pilots of Virgin America***: Represented the Virgin America pilots in a seniority integration arbitration following the merger of Virgin America with Alaska Airlines, resulting in a single, integrated pilot seniority list.

* ***Transport Workers Union Local 556 v. Southwest Airlines Co.***: Obtained a preliminary injunction in a class action requiring the defendant airline to provide its employees with paid sick leave and kin care leave in compliance with California and local law.

* ***State of Alaska v. Alaska State Employees Ass’n; Alaska State Employees Ass’n v. Dunleavy***: Obtained a temporary restraining order, a preliminary injunction, and a permanent injunction preventing the State of Alaska from unilaterally terminating state employees’ union dues deductions, and requiring state employee union members to annually renew their dues deduction authorizations after receiving a government “warning” that doing so would involve waiving their rights, where the court found that the State’s conduct violated the Alaska Constitution, state statutes, and the collective bargaining agreement.

* ***Maycock v. Dugovich***: Defeated a challenge brought under the Labor Management Relations Act and the Labor-Management Reporting and Disclosure Act to a union’s response to demands for internal union information.

* ***Allied Concrete v. Baker***: Defeated a constitutional challenge to a state law that requires suppliers of concrete to public works projects to pay prevailing wages to ready-mix delivery drivers.

* ***Pauline v. Int’l Bhd. of Electrical Workers Local Union 302***: Defeated on summary judgment a state law tort action brought by a construction contractor alleging that a labor union conspired with other contractors to prevent the plaintiff from obtaining public works jobs under project labor agreements.

* ***Barke v. Banks***: Representing a group of intervening statewide unions, obtained and successfully defended on appeal an order dismissing a federal court First Amendment challenge to a state statute that prohibits public employers in California from deterring or discouraging union membership by public employees.

* ***Canela v. Costco Wholesale Corp.***: Obtained a Ninth Circuit ruling that state court representative claims brought under California’s Private Attorney General Act cannot be removed to federal court pursuant to the federal Class Action Fairness Act.

* ***People of the State of California v. Superior Court (Cal Cartage Transportation Express LLC)***: Representing the Teamsters International as amicus, obtained an appellate court ruling that California statute preventing employers from misclassifying employees as independent contractors (AB 5) is not preempted by the Federal Aviation Administration Authorization Act, as applied to trucking companies.

* ***California v. Azar***: Representing intervening unions and homecare workers, and working with a coalition of states led by California, obtained a Federal District Court judgment striking down Trump administration rule interpreting a provision of the Medicaid Act to prohibit the deduction of union dues and benefits payments from homecare workers' paychecks.

* ***InDyne Corp. and Int'l Bhd. of Electrical Workers Local 340***: Obtained an arbitration award requiring an employer to pay its workers assigned to swing and midnight shifts a wage premium on all hours, not just hours worked.

* ***Int'l Bhd. of Electrical Workers, Local 100 and Swinerton Builders***: Obtained an arbitration award holding that a general contractor violated its agreement with a union by having electrical work to build a utility-scale solar project performed offsite by non-union workers for the minimum wage, rather than onsite by union-represented electricians, at collectively-bargained wage and fringe benefit rates.

* ***Nevada Gold Mines, LLC***: Obtained settlements of two unfair labor practice charges filed with the NLRB requiring employer to recognize the union that represents its employees, comply with the terms of its current collective bargaining agreement with the union, rescind unilateral changes to employees' working conditions at the union's request, provide \$700,000 in back pay for 1,400 workers, and reinstate and make whole a defined benefit pension plan that the employer had terminated.

* ***William Morris Endeavor Entertainment LLC v. Writers Guild of America, West***: Defeated a motion for a preliminary injunction and successfully obtained a settlement confirming the Hollywood screenwriters union's right to enforce its code of conduct prohibiting writers' representation by talent agencies with serious financial conflicts of interest.

* ***Ridgeway v. Wal-Mart***: Successfully defended on appeal to the Ninth Circuit a \$54 million jury verdict in favor of truck drivers who were not paid the minimum wage for layovers, rest breaks, and pre- and post-trip truck inspections.

* ***SEIU Local 87 v. NLRB (Preferred Building Services)***: Obtained Ninth Circuit reversal of NLRB decision that had relied upon an unduly broad interpretation of the NLRA's secondary boycott provisions to uphold firing of janitorial service workers in response to their protests regarding sexual harassment and low wages.

* ***Ferra v. Loews Hollywood Hotel***: Participating in briefing and oral argument on behalf of *amici*, obtained California Supreme Court decision construing the California law requiring premium pay when an employee does not receive a legally compliant meal or rest break to be based on all of the employee's non-discretionary compensation (including the base hourly wage, nondiscretionary bonuses, commissions, and other forms of non-discretionary compensation), not just on the base hourly wage.

* ***California Trucking Ass'n v. Bonta***: Representing intervenor Teamsters International, obtained a Ninth Circuit decision reversing the district court's preliminary injunction and holding that California's use of the "ABC test" under AB 5 to prevent misclassification of truck driver employees as contractors is not preempted by the Federal Aviation Administration Authorization Act.

* ***American Airlines Flow-Thru Pilots Coalition v. Allied Pilots Ass’n***: Obtained summary judgment in one case, successfully defended that judgment on appeal, and obtained dismissal in a second case, in favor of a labor union sued for breach of the duty of fair representation over the positions it took in collective bargaining negotiations.

* ***American Airlines Flow-Thru Pilots Coalition v. Allied Pilots Ass’n***: Successfully defended labor union against a lawsuit alleging that the union violated its duty of fair representation by positions it took in a seniority integration arbitration.

* ***Home Care Ass’n v. Newsom***: Representing intervening union, obtained and successfully defended on appeal summary judgment rejecting NLRA preemption challenge to California statute requiring the government to disclose contact information for private home care workers to a union that seeks to organize the workers, so long as the worker does not object to disclosure.

* ***Decision on Administrative Appeal re: Installation of Energy Efficiency Improvements, Cotati-Rohnert Park Unified Sch. Dist.***: Obtained administrative decision from California Department of Industrial Relations that that money loaned to a public entity specifically designated to pay for the installation of improvements constitutes public funds, rendering the installation of the improvements a public works project subject to prevailing wage requirements.

* ***Consolidated Metal Fabricating and Sheet Metal Workers Union Local 104***: Obtained arbitration award requiring employer to reinstate with backpay an employee who had been terminated for failing to call in for two days of work while dealing with side effects of prescribed medication.

* ***Hutcheson v. Superior Court (UBS Financial Services, Inc.)***: Obtained a writ from the California Court of Appeal holding that the “relation back” doctrine applies to newly-added plaintiffs in claims brought pursuant to the California Public Attorney General Act (PAGA).

* ***Polk v. Yee; Quirarte v. United Domestic Workers, AFSCME LOCAL 3930***: Defeated in the federal district court and on appeal a challenge based on the Medicare Act’s “anti-assignment” provision to the ability of homecare workers to pay their union dues through payroll deduction.

* ***Fisher v. SAG-AFTRA***: Obtained dismissal of federal court lawsuit alleging violation of fiduciary duty by union officers and bargaining committee members arising from their collective bargaining activities.

* ***In re New American Airlines***: In a series of arbitrations interpreting the pilot seniority integration arbitration decision resulting from the merger of U.S. Airways and American Airlines, obtained and then successfully defended highly-coveted international flying opportunities for pilots from the former America West airlines.

* ***San Bernardino/Riverside Counties Building and Construction Trades Council v. Imperial Irrigation Dist.***: Obtained a writ of mandate holding that a public agency acted illegally, following a change in the membership of the agency’s board of directors, in repudiating a project labor agreement that governed its construction projects.

* ***Kolkowski v. Ashtabula Area Teachers Ass'n***: Successfully upheld on appeal trial court's decision that public sector union has the right to control the arbitration portion of the collectively-bargained grievance procedure and to provide union-appointed counsel to represent the grievant in arbitration.

* ***Freedom Foundation v. Sacks***: Representing intervening State Labor Council, defeated a constitutional challenge to a law that allows the exclusive bargaining representative access to new employee orientations for public employees.

* ***Boardman v. Inslee***: Successfully opposed a petition for writ of certiorari from an appellate court's decision rejecting a constitutional challenge to a state law that allows the exclusive bargaining representative to receive contact information for its bargaining unit members.

* ***North Bay Building & Construction Trades Council v. Sonoma Valley Unified School Dist.***: Secured a settlement including a new five-year project labor agreement after defeating school district's demurrer to breach of contract action challenging the district's rescission of a previous project labor agreement.

* ***Santa Barbara County Bargaining Unit Dispute***: Obtained arbitration decision awarding newly created ambulance driver classifications to general employees' bargaining unit over a conflicting claim by a union representing another bargaining unit.

* ***J. Ginger Masonry, LP***: Obtained Administrative Law Judge decision holding that a masonry contractor engaged in unfair labor practices in violation of the National Labor Relations Act for discharging five of its workers in retaliation for their union activity and ordering reinstatement and back pay.

* ***Ries v. McDonald's USA LLC***: Obtained \$1.5 million class action settlement for fast food workers who were subjected to sexual harassment.

* ***Grossman v. Hawaii Gov't Employees Ass'n; Cook v. Brown; Belgau v. Inslee; Anderson v. SEIU Local 503; Babb v. Cal. Teachers Ass'n; Carey v. Inslee; Danielson v. Inslee; Mentele v. Inslee; Crockett v. NEA-Alaska; Hough v. SEIU Local 521; Bermudez v. SEIU Local 521; Wholean v. CSEA SEIU Local 2001; Hamidi v. SEIU Local 1000; Lyon v. SEIU Local 1000; Sweet v. Cal. Ass'n of Psychiatric Technicians; Chambers/Masuo v. AFSCME; Oliver v. SEIU Local 668; LaSpina v. SEIU PA State Council; Thompson v. Marietta Educ. Ass'n; Cram v. Local 503 Service Employees Int'l Union; Laird v. United Teachers Los Angeles; Hoekman v. Educ. Minnesota; Brown v. AFSCME Council No. 5; Goldstein v. Professional Staff Congress/CUNY; Wright v. SEIU Local 503; Zielinski v. SEIU Local 503; Quezambra v. United Domestic Workers; Espinoza v. Union of Physicians and Dentists; Parde v. SEIU Local 721; Hubbard v. SEIU Local 2015; Jarrett v. SEIU Local 503; Jimenez v. SEIU Local 775, and numerous other cases***: Successfully defended public sector labor unions against claims seeking to invalidate state laws providing for exclusive representation, challenging the validity of union membership agreements, and attempting to compel refunds of dues paid pursuant to voluntary membership agreements and fair share fees paid prior to the Supreme Court's decisions in *Janus v. AFSCME Council 31* and *Harris v. Quinn*.

* ***Aguiar v. Superior Court (Cintas Corp.)***; ***In re Farmers Ins. Exchange Claims Representative's Overtime Pay Litigation***; ***Gerlach v. Wells Fargo & Co.***; ***Higazi v. Cadence Design Systems, Inc.***; ***Bell v. Farmers Svcs., LLC***; ***Gerke v. Waterhouse Securities***; ***Mendoza-Barrera v. San Andreas HVAC, Inc.***; ***Acevedo v. SelectBuild***; ***Hines v. KFC***; ***In re The Pep Boys Overtime Actions***; ***Figueroa v. Guess?, Inc.***; ***Marchelos v. Reputation.com***; ***Tokoshima v. The Pep Boys – Manny, Moe, & Jack***; ***Cancilla v. Ecolab, Inc.***; ***Behaein v. Pizza Hut***; ***Spicher v. Aidells Sausage Co.***; ***Sanchez v. McDonald's***; ***Hughes v. McDonald's***; ***Becerra v. Fong***; ***Pimentel v. Fong***; ***Lopez v. Delta Air Lines, Inc.***; ***Fan v. Delta Airlines, Inc.***; ***De La Paz v. Simpson Strong-Tie Co., Inc.***; ***Warner v. Fry's Electronics***; ***Phelps v. Steve Madden Retail, Inc.***: Obtained numerous awards and settlements, worth hundreds of millions of dollars, in employment misclassification and wage-and-hour class actions, and in individual cases.

* ***Hall v. Rite Aid***; ***Kilby v. CVS Pharmacy, Inc.***; ***Henderson v. JP Morgan Chase***; ***Smiles v. Walgreens***; ***Garrett v. Bank of America***; ***Green v. Bank of America***; ***Bare v. CDS***; ***Brooks v. U.S. Bank***; ***Goss v. Ross***: Obtained substantial settlements, including tens of millions of dollars in penalties and injunctive relief, in Private Attorneys General Act (“PAGA”) cases involving claims based on employers’ failure to provide cashiers and other employees suitable seating.

ENVIRONMENT AND PUBLIC HEALTH

* ***People v. ConAgra Grocery Products Co.***: Obtained appellate affirmance of a trial court order requiring three paint manufacturers to pay hundreds of millions of dollars into a fund dedicated to remediating health hazards caused by deteriorating lead-based paint in private residences throughout California. Helped defeat manufacturers’ petitions for California Supreme Court review and U.S. Supreme Court *certiorari*.

* ***Monsanto Co. v. Office of Environmental Health Hazard Assessment***: Successfully helped defend, on behalf of an intervenor, the constitutionality of Proposition 65’s mechanism for listing known carcinogens against a challenge brought by Monsanto.

* ***Natural Resources Defense Council v. Patterson (Rodgers)***: Obtained a court ruling that the U.S. Bureau of Reclamation illegally dried up California’s second longest river by diverting excessive amounts of water for agricultural and other uses, and subsequently negotiated a comprehensive settlement providing for restoration of the river and reintroduction of native salmon population.

* ***Natural Resources Defense Council v. Kempthorne***: Working closely with the Natural Resources Defense Council and Earthjustice, overturned the U.S. Fish and Wildlife Service’s biological opinion on the effect of the California Central Valley Project’s operations on threatened Delta smelt and obtained protective interim remedies, including reduced water pumping from the Sacramento-San Joaquin River Delta and an order requiring the Service to issue a new biological opinion. Also obtained an *en banc* decision from Ninth Circuit reversing the District Court and holding that the Bureau of Reclamation was obligated to consult with the U.S. Fish and Wildlife Service regarding the effect of renewing long-term water contracts on the threatened Delta smelt.

- * ***Les v. Reilly***: Required the Environmental Protection Agency to strictly apply the Delaney Clause's prohibition against cancer-causing substances in processed foods.
- * ***Public Citizen v. Dep't of Transportation***: Obtained a Ninth Circuit ruling (later overturned by the Supreme Court) blocking for several years the federal government's decision to allow Mexico-domiciled trucks to travel throughout the United States without an Environmental Impact Statement and a Clean Air Act conformity analysis.
- * ***California v. Browner***: In a challenge to the Environmental Protection Agency's systematic failure to enforce federal food safety laws, obtained a consent decree that required dozens of cancer-causing pesticides to be removed from the food supply.
- * ***Sierra Club v. Brown***: Obtained a settlement of a lawsuit against California's Governor and environmental agencies to prevent delays in adding substances to the list of chemicals that are known to the State of California to cause cancer and reproductive harm.
- * ***United Steelworkers v. California Dep't of Forestry and Fire Protection***: Obtained a ruling that the California Department of Forestry's approval of a plan to log vast portions of California's redwood forests violated the California Forest Practice Act's requirements for a sustainable yield plan.
- * ***Pacific Coast Fed'n of Fishermen's Ass'ns v. Gutierrez***: In association with the Natural Resources Defense Council and Earthjustice, overturned the National Marine Fisheries Service's biological opinion on the effect of the California Central Valley Project's operations on three species of threatened and endangered salmon and obtained protective interim remedies, including early opening of dam gates and shortening the periods in which the gates are closed, facilitating migration up and down the Sacramento River; also obtained an order requiring the Service to issue a new biological opinion.
- * ***City of Oakland v. BP P.L.C.; County of San Mateo v. Chevron Corp.***: Obtained Ninth Circuit rulings rejecting oil and gas companies' efforts to remove state public entities' state law tort claims to federal court as "arising under" federal common law or federal-officer jurisdiction statute.
- * ***Orff v. United States*** (Supreme Court): Obtained a ruling (based on arguments in a merits brief filed on behalf of environmental organizations) rejecting a challenge brought by agribusiness interests to the federal government's reduction of contractual water allocations to a local water district for the purpose of protecting threatened salmon and smelt.
- * ***PhRMA v. County of Alameda***: Defeated a certiorari petition filed by a national coalition of prescription drug manufacturers that challenged Alameda County's innovative Safe Drug Disposal Ordinance under the dormant Commerce Clause.
- * ***California Healthcare Ass'n v. California Dep't of Health Services***: Defeated a hospital industry challenge to a California health regulation requiring minimum nurse-to-patient staffing ratios.

- * ***Natural Resources Defense Council v. Price Pfister***: Compelled major faucet manufacturers to eliminate lead from drinking water faucets, pursuant to Proposition 65, the California Toxics Initiative.
- * ***Natural Resources Defense Council v. The Reclamation Board of the Resources Agency of the State of California***: Obtained a writ of mandate overturning a state administrative agency's approval of an extensive development project on top of a major levee in the Sacramento River Delta, for violating regulations governing flood control levees.
- * ***Sunshine Canyon***: Successfully advocated in land use proceedings, on behalf of a coalition of environmental, labor, and community organizations, for stringent environmental conditions to be placed on a large solid waste landfill in Los Angeles County.
- * ***Town and Country Resort Hotel***: Successfully advocated on behalf of a labor organization, in land use proceedings, for environmental, affordable housing, and public transit conditions to be placed on a large hotel and residential development in San Diego County.
- * ***Natural Resources Defense Council v. EPA***: Settled a Clean Air Act case requiring warning labels on processed foods manufactured with methyl bromide, an ozone-depleting substance.
- * ***Natural Resources Defense Council v. Whitman***: Forced the Environmental Protection Agency to reassess the safety of some of the nation's most dangerous pesticides, to protect children, farmworkers, and consumers.
- * ***Natural Resources Defense Council v. Smith Kline***: Required reductions in lead content of calcium dietary supplements.
- * ***Environmental Defense Fund & Natural Resources Defense Council v. Sta-Rite***: Successfully challenged the widespread use of lead in submersible water pumps, under the California Toxics Initiative.
- * ***Tosco Corp. v. Communities for a Better Environment***: Defeated a declaratory judgment action brought by an oil company to preclude environmental organizations from seeking penalties for its discharges of dioxin.
- * ***AFL-CIO v. Deukmejian***: Required the Governor of California to expand tenfold the list of carcinogenic chemicals subject to the California Toxics Initiative.
- * ***California Labor Fed'n v. California Occupational Safety and Health Admin.***: Preserved the California Toxics Initiative against an OSHA preemption attack.
- * ***Natural Resources Defense Council v. Environmental Protection Agency***: Compelled the EPA to stop holding "closed-door" meetings with industry representatives before setting pesticide health and safety standards.
- * ***AFL-CIO v. Deukmejian***: Overturned a regulation exempting food, drugs, and cosmetics from the California Toxics Initiative.

* ***Natural Resources Defense Council v. Office of Environmental Health Hazard Assessment***: Forced a state environmental agency to withdraw a “records retention” policy that had required agency scientists to destroy data and documents that were inconsistent with final agency position.

* ***AFL-CIO v. Gorsuch***: Overturned the Environmental Protection Agency’s moratorium on public disclosure of industry pesticide health and safety studies.

* ***Natural Resources Defense Council v. Wilson***: Required the Governor of California to timely determine whether to expand the list of reproductive toxicants subject to the California Toxics Initiative to include five dozen chemicals identified as reproductive toxicants by the Federal Environmental Protection Agency.

* ***Natural Resources Defense Council v. Badger Meters, Inc.***: Required manufacturers of water meters that leach lead into residential drinking water to shift to a low lead-emitting alloy.

* ***Natural Resources Defense Council v. Safeway, Inc.***: Required large grocery retailers to achieve a substantial reduction in diesel truck emissions around their grocery distribution centers, which are located primarily in low-income areas.

* ***Environmental Law Foundation v. Crystal Geyser Water Co.***: Required manufacturers to eliminate unlawfully high levels of arsenic, trihalomethanes, and heterotrophic bacteria from bottled drinking water.

* ***As You Sow v. Icrest Int’l LLC***: Obtained a consent judgment in a Proposition 65 lawsuit against a manufacturer of a seaweed product that requires the company to provide warnings to consumers regarding cadmium contained in the product.

* ***City and County of San Francisco v. United States Tobacco Co.***: Required warnings to be provided to consumers regarding the health dangers of smokeless tobacco products.

* ***Environmental Law Foundation v. Ironite Products Co.***: Obtained a consent judgment banning the continued sale in California of a fertilizer manufactured from hazardous waste that contained excessive levels of arsenic and lead.

* ***As You Sow v. Quikrete***: Obtained a consent judgment under California’s Proposition 65 requiring manufacturer to provide warnings regarding the presence of chemicals in its cement mixes and products that are known to the State of California to cause cancer and reproductive harm.

* ***In re Vinegar Litigation***: Obtained settlements requiring food retailers to post consumer warnings regarding the presence of lead in balsamic vinegar.

* ***In re St. Luke’s Hospital Merger***: Persuaded the California Attorney General to conduct a review of the terms of a proposed merger of two hospitals, including the extent to which the merger would serve or disserve the needs of the affected communities.

* ***Firebaugh Canal Water Dist. v. U.S. Bureau of Reclamation***: Joined with U.S. Interior Department in defeating San Joaquin Valley water districts' attempts to compel the government to provide them low-cost drainage services, which would have kept more toxic-laden agricultural lands in production and required more water diversions.

* ***Natural Resources Defense Council v. Pritzker***: Obtained a Ninth Circuit ruling that the National Marine Fisheries Service violated the Marine Mammal Protection Act by failing to consider whether mitigation measures in addition to those measures proposed by the U.S. Navy for its use of low-frequency sonar were necessary to achieve the least practicable adverse impact on marine mammals.

* ***As You Sow v. River Canyon Retreat, Inc.***: Obtained a consent judgment in a Proposition 65 lawsuit against a distributor and retailer of eleven health food products requiring the company to provide warnings to consumers regarding lead and cadmium contained in the products, pay civil penalties to an enforcement agency, and make additional settlement payments.

* ***As You Sow v. JFC Int'l, Inc.***: Obtained a consent judgment in a Proposition 65 lawsuit against a distributor of a seaweed product requiring the company to provide warnings to consumers regarding lead and cadmium contained in the product, conduct studies to identify cleaner alternative sources for the product, pay civil penalties to an enforcement agency, and make additional settlement payments.

* ***As You Sow v. Abbot Laboratories Inc.***: Obtained a consent judgment in a Proposition 65 lawsuit against a manufacturer of protein bars that requires the company produce products below designated lead levels or provide warnings to consumers regarding lead contained in the product.

* ***Pacific Coast Fed'n of Fishermen's Ass'ns v. Ross***: Obtained a preliminary injunction preventing the federal Bureau of Reclamation from increasing pumping out of its South delta pumping station and reinstating a pre-existing limit on pumping that is more protective of imperiled migrating fish populations.

* ***Hernandez v. VES McDonald's***: Obtained a preliminary injunction on behalf of McDonald's employees compelling their employer to comply with COVID-19 health and safety measures, including not requiring workers to work while sick, and ensuring sufficient cleaning, personal protective equipment, and social distancing.

* ***In re ExxonMobil Corp.***: Successful defense in the Texas Court of Appeal on personal jurisdiction grounds of ExxonMobil's claim that California public entities interfered with its free speech rights by filing public nuisance actions against it in California that alleged the company engaged in a 50-year campaign of climate deception.

FREE SPEECH

* ***Conant v. McCaffrey***: Obtained a permanent injunction under the First Amendment prohibiting the federal government from revoking or threatening to revoke the prescription drug licenses of California physicians on the basis of their confidential communications with their seriously ill patients regarding medical marijuana.

- * ***Walker v. Air Line Pilots Ass’n***: Obtained a jury verdict following a ten-week trial upholding the right of the Air Line Pilots Association to engage in free speech activities promoting solidarity among strikers.
- * ***Eller Media Co. v. City of Oakland***: Defeated efforts by billboard and alcohol industry to overturn a City of Oakland ordinance prohibiting billboards advertising alcoholic beverages in residential neighborhoods and in proximity to schools and playgrounds.
- * ***Sutter Health v. UNITE HERE***: Obtained reversal on appeal of an employer’s \$17.3 million defamation verdict against a union based on a communication that was part of a labor dispute, on the ground that the trial court erred by failing to instruct the jury that the plaintiff was required to prove actual malice.
- * ***Auvil v. CBS 60 Minutes***: Obtained a dismissal of a class-action product-defamation suit brought by Washington apple growers against the Natural Resources Defense Council for having publicized the public health hazards of the growth regulator Alar.
- * ***SEIU v. City of Houston***: After obtaining a preliminary injunction under the First Amendment, obtained on appeal a ruling that three Houston ordinances that restrict the right to protest via parades and public gatherings in public parks, and that restrict the use of sound amplification equipment, violate the First Amendment.
- * ***Connelly v. No On 128, the Hayden Initiative***: Enforced a California law requiring state initiative campaign advertisements to identify industry campaign contributors.
- * ***Crawford v. Int’l Union of Rubber Workers Local 703***: Obtained an appellate reversal of a six-figure jury verdict against a union and picketers who had exercised their free speech right to disparage strikebreakers.
- * ***Buyukmihci v. Regents***: Obtained a permanent injunction protecting the free speech rights of a tenured professor of veterinary medicine whom the University of California had tried to fire because of his animal rights views.
- * ***Carreira v. Trustees of the California State University***: Obtained the first order ever issued by a California court overturning the California State University’s denial of a whistleblower retaliation complaint and ordering a jury trial on that claim; and subsequently negotiated a nearly \$1.8 million settlement for the whistleblower, a tenured professor at Long Beach State University.
- * ***Furukawa Farms v. California Rural Legal Assistance***: Successfully defended a statewide poverty law office against a suit brought by agricultural growers to block its advocacy on behalf of farm workers.
- * ***Coors v. Wallace***: Defeated an antitrust suit brought by Adolph Coors Company against the organizers of a nationwide consumer boycott of Coors beer.

* ***Evergreen Oil Co. v. Communities for a Better Environment***: Obtained a dismissal under California's anti-SLAPP statute of an oil company's defamation action against a non-profit environmental advocacy group.

* ***LaCome v. Wells***: Obtained a dismissal under California's anti-SLAPP statute of a defamation action brought against a nonprofit legal aid organization.

* ***Tosco Corp. v. Communities for a Better Environment***: Obtained a dismissal for lack of federal jurisdiction of an oil company's federal court defamation action against an environmental group that had engaged in free speech about air pollution issues.

* ***California Nurses Ass'n v. Stern***: Obtained a dismissal under California's anti-SLAPP statute of a lawsuit contending that peaceful home visits by representatives of a labor organization constituted "stalking."

* ***ABC Security Service, Inc. v. SEIU Local 24/7***: Successfully defended a labor union against a SLAPP suit brought by an employer seeking damages for the union's organizing campaign to obtain recognition as the representative of the employer's workers, and negotiated a stipulated dismissal under which the employer entered into a card-check and neutrality agreement with the union to govern the recognition process, resulting in recognition and a collective bargaining agreement.

* ***Singer v. American Psychological Ass'n***: Obtained a dismissal under California's anti-SLAPP statute of a lawsuit seeking to impose defamation liability on professional associations for statements made in amicus curiae briefs they had filed in court.

* ***POSCO v. Contra Costa Building & Construction Trades Council***: Defeated an antitrust suit brought against various labor unions for engaging in environmental lobbying and litigation.

* ***Recall Gray Davis Committee v. Regents of the University of California***: Obtained a dismissal under California's anti-SLAPP statute of a lawsuit seeking to hold the State Building and Construction Trades Council of California, which sponsored a political event, vicariously liable for spontaneous protests outside the event venue.

* ***Schavrien v. Lynch***: Obtained a dismissal under California's anti-SLAPP law of a lawsuit against the former President of the California Public Utilities Commission, brought by an executive of an energy company regulated by the Commission, for publicly exposing the executive's attendance at a campaign fundraising event in support of the spouse of a Commissioner.

* ***Knox v. Westly***: Defeated a preliminary injunction motion brought several days before a statewide election to prohibit a union from spending union dues and fees to oppose anti-worker ballot initiatives.

* ***Mosqueda v. CCPOA***: Defeated a libel action brought by a prison warden against a correctional officers union for statements made in support of litigation initiated by a union officer.

* ***Western Growers Ass’n v. United Farm Workers***: Obtained a dismissal under California’s anti-SLAPP statute of an “unfair business practices” action brought by a growers’ association against a union for its free speech activities.

* ***Allied Pilots Ass’n v. San Francisco***: Obtained an injunction allowing pilots to handbill and picket at San Francisco International Airport.

* ***Bruce Church, Inc. v. United Farm Workers***: Overturned on First Amendment and statutory grounds a \$10 million judgment against the United Farm Workers for engaging in allegedly improper boycott activity.

* ***Guess?, Inc. v. UNITE***: Obtained a dismissal under California’s anti-SLAPP statute of a complaint alleging that a union had unlawfully supported picketing and litigation activity directed against the employer’s workplace practices.

* ***UFCW v. Brewer***: Obtained a permanent injunction under the First Amendment against provisions of two Arizona statutes, SB 1363 and SB 1365, that limit unions’ ability to collect member dues, to participate in political advocacy, and to engage in protected speech activities.

* ***D’Arrigo Bros. Co. of California v. United Farm Workers***: Obtained an appellate reversal of California Superior Court decision denying a motion under California’s anti-SLAPP statute to dismiss a civil lawsuit seeking money damages for a union’s alleged conduct in assisting the General Counsel of the Agricultural Labor Relations Board to prosecute the union’s unfair labor practice charge.

* ***Global Community Monitor v. Lumber Liquidators, Inc.***: Obtained a dismissal under California’s anti-SLAPP statute of defamation and business tort claims brought by retailer of flooring products against environmental organization, arising from environmental organization’s press release announcing its lawsuit against the retailer under Proposition 65’s environmental notice and warning provisions for selling flooring products that emit excessive levels of formaldehyde.

* ***Lyon v. SEIU Local 1000***: Obtained dismissal under California’s anti-SLAPP statute of state law action seeking to compel a public sector union to repay fair share fees collected prior to the Supreme Court’s decision in *Janus v. AFSCME, Council 31*.

* ***Evans Hotels, LLC v. UNITE HERE! Local 30***: Obtained a dismissal of federal labor law, antitrust, RICO, and state common law claims brought against county building trades council, arising from its free speech and petitioning activities.

* ***Alliance for College-Ready Public Schools Inc. v. United Teachers Los Angeles***: Obtained appellate affirmance of trial court’s dismissal under California’s anti-SLAPP statute of a malicious prosecution action brought by a charter school operator against a teacher’s union for filing and prosecuting an administrative charge before the California Public Employment Relations Board.

* ***H.K. v. United Teachers Los Angeles***: Obtained dismissal under California’s anti-SLAPP statute of lawsuit seeking to impose tort liability on union and its officers for its collective bargaining negotiations with public employer.

CAMPAIGN AND ELECTION

* ***North Carolina State Conference of the NAACP v. The North Carolina State Board of Elections***: Obtained a preliminary injunction and subsequently summary judgment holding that North Carolina officials violated the National Voter Registration Act by removing thousands of voters from the registration rolls in the weeks leading up to the November 2016 election and ordering them to restore those voters to the rolls.

* ***Curling v. Kemp***: Represented amicus curiae Common Cause, National Election Defense Coalition, and Protect Democracy in a federal court challenge to Georgia’s use of electronic voting equipment that did not generate paper records of voting results, after which Georgia passed legislation converting to voting machines that did generate paper records, allowing for paper audits in the 2020 election.

* ***Mesinna v. Padilla (Howard)***: Defeated an original writ petition filed in the California Supreme Court that sought to block an initiative regulating the dialysis industry from appearing on the statewide general election ballot.

* ***County of Santa Clara v. Padilla (Perry)***: Filed an original writ petition in the California Supreme Court challenging a misleading and deceptive initiative that would have eliminated public nuisance liability for lead paint manufacturers, after which the initiative was withdrawn.

* ***Northeast Ohio Coalition for the Homeless v. Husted; SEIU Local 1 v. Husted***: Struck down an Ohio law that would have disqualified, prior to the November 2012 election, thousands of votes cast by registered voters in the right polling location but the wrong precinct due to poll-worker error.

* ***Rivera Madera v. Detzer/Lee/Barton***: Obtained a preliminary injunction requiring Florida to provide sample Spanish language ballots to Puerto Rican voters in 32 of its counties for the November 2018 general election; subsequently obtained a preliminary injunction requiring Florida to provide official Spanish language ballots and Spanish language materials and election assistance in those 32 counties; and finally obtained a settlement with 31 county Supervisors of Elections requiring the provision of Spanish-language ballots, election materials, and assistance in all elections through 2030, in addition to Spanish-language ballots and polling place assistance required across all of Florida by new statewide rules that were adopted in 2020 in direct response to this litigation.

* ***Brunner v. Ohio Republican Party*** (Supreme Court): Helped to defeat the Republican Party’s attempt, during the November 2008 election, to require Ohio election officials to turn over the records of newly registered voters whose voter registration and motor vehicle information did not match, which would have enabled the Party to seek disenfranchisement of up to 600,000 new voters.

* ***Curley v. Lake County Board of Elections and Registration***: Obtained an injunction requiring election officials to permit early voting in the November 2008 election in predominantly African-American and Latino communities of Gary, Hammond, and East Chicago, Indiana.

* ***Common Cause of Colorado v. Hoffman***: Obtained a stipulation and court order requiring Colorado's Secretary of State to stop the unlawful purging of registered voters prior to the November 2008 election and to count ballots cast by voters who had previously been improperly purged unless there was clear and convincing evidence that they were ineligible to vote.

* ***State ex rel. Colvin v. Brunner; Project Vote v. Madison County Board of Elections***: Helped to defeat the Ohio Republican Party's efforts, during the November 2008 election, to require voters to wait 30 days after registering to vote before being able to cast an absentee ballot, which would have deprived thousands of voters of their right to vote absentee.

* ***AFL-CIO v. Eu***: Invalidated a proposed initiative requiring a new federal constitutional convention to exact a "balanced budget" amendment, on the ground that the initiative violated Article V of the U.S. Constitution.

* ***Common Cause v. Jones***: Obtained a court order requiring the replacement of pre-scored punch card voting machines in California prior to the 2004 Presidential election.

* ***Fleischman v. Protect Our City***: Obtained, and successfully defended in the Arizona Supreme Court, an injunction removing an anti-immigrant initiative from the November 2006 Phoenix ballot on the ground that the city law granting initiative supporters the right to supplement signatures after the filing deadline was preempted by state law.

* ***Hawaii State AFL-CIO v. Yoshina***: Overturned on state election law grounds Hawaii's decision to ignore abstentions in determining whether the required percentage of votes was cast in favor of a ballot measure calling for a new state constitutional convention.

* ***Gomez v. City of Escondido***: Obtained a consent decree requiring the City of Escondido to convert to a district-based system for electing the City Council, in place of a longstanding at-large system that had diluted the voting strength of the Latino community and had prevented them from electing candidates of their choosing.

* ***Bennett v. Yoshina***: Successfully defended against a federal court due process challenge the Hawaii electorate's vote to refuse to hold a new state constitutional convention.

* ***Central California Farmers Ass'n v. Eu***: Defeated on state constitutional grounds an attempt by agribusiness to remove a comprehensive environmental protection initiative from the California ballot.

* ***Kneebone v. Norris***: Successfully defended a local election official's decision to reject an initiative petition that would have prohibited a city from entering into project labor agreements on any city-funded construction projects, on the ground that the initiative's proponents failed to comply with the publication requirements of the Election Code.

* ***Cardona v. Oakland Unified Sch. Dist.***: Upheld the City of Oakland’s right to delay redistricting on the basis of the 1990 census until the census had been adjusted to correct for the disproportionate undercount of minorities.

* ***Barry v. Nishioka***: Obtained a writ of mandate ordering election officials to place candidates on the ballot despite apparent noncompliance with nomination petition formalities.

* ***Edrington v. Floyd***: Successfully defended the City of Oakland’s wording of the ballot question and analysis for a “just cause” eviction initiative against challenge by landlords.

* ***Dallman v. Ritter***: Obtained, and successfully defended in the Colorado Supreme Court, a preliminary injunction against Colorado Amendment 54, a voter initiative that would have banned public employee unions from making political contributions in state and local elections, on the ground the initiative violated the First and Fourteenth Amendments.

* ***Daly v. Board of Supervisors of San Bernardino County***: Obtained a writ of administrative mandate overturning a county Board of Supervisors’ filling of a vacancy on the Board as violating California’s Brown Act due the Board’s use of a secret e-mailed ballot procedure to select candidates to interview for the vacancy.

* ***Inland Empire United v. Riverside County***: Obtained remand order from federal district court holding that writ petition challenging redistricting plan for county Board of Supervisors as violating the California Fair Maps Act and the California Constitution does not necessarily raise a federal law issue and therefore is not removable to federal court.

IMMIGRATION

* ***Regents of University of California v. United States Dep’t of Homeland Security; County of Santa Clara v. Trump***: Obtained a federal court preliminary injunction against the Trump administration’s rescission of DACA as arbitrary and capricious under the Administrative Procedure Act, and helped successfully defend the District Court’s preliminary injunction before the Ninth Circuit.

* ***AFL-CIO v. Chertoff***: Obtained a nation-wide injunction against a Department of Homeland Security regulation that would have turned Social Security Administration “no-match” letters into an immigration enforcement tool without authorization from Congress.

* ***Catholic Social Services/Ayuda/Immigrant Assistance Project v. Reno***: Obtained the right to apply for legalization under the Immigration Reform and Control Act for hundreds of thousands of undocumented aliens who were prevented from applying because of unlawful federal regulations; and negotiated temporary work authorization for approximately three million aliens potentially eligible for legalization under the Act.

* ***California Rural Legal Assistance v. Legal Services Corp.***: Overturned a regulation prohibiting the provision of federally-funded legal services to a nationwide class of several million aliens who had been legalized through the amnesty process.

* ***SEIU Local 535 v. Thornburgh***: Compelled the Immigration and Naturalization Service to rescind a regulation that deprived temporary nonimmigrant workers of the right to strike.

* ***Patel v. Quality Inn South; EEOC v. Tortilleria “La Mejor”***: Through a series of cases, established the eligibility of undocumented immigrant workers for the full remedial protections of the Fair Labor Standards Act and Title VII of the 1964 Civil Rights Act.

* ***Lopez-Alvarado v. Ashcroft***: Obtained a Ninth Circuit reversal of a Board of Immigration Appeals decision ordering the deportation of an immigrant family who had lived in the United States for more than ten years.

* ***Int’l Union of Bricklayers and Allied Craftsmen v. Meese***: Obtained a decision prohibiting the federal government and employers from using non-immigrant business (B-1) visas to circumvent the requirement that temporary, non-immigrant, foreign workers not undercut the prevailing wage.

MISCELLANEOUS

* ***Blessing v. Freestone*** (Supreme Court): Preserved the availability of a remedy under 42 U.S.C. 1983 in cases seeking enforcement of federal statutory rights.

* ***In re Anthem Inc. Data Breach***: Served as co-lead counsel in federal multi-district litigation involving hundreds of consumer class actions against Anthem, Inc. and its affiliated Blue Cross-Blue Shield companies in a data breach case, and obtained a significant \$115 million settlement requiring defendants to change their data privacy practices.

* ***Kashmiri v. Regents***: Won a \$33.8 million class-action judgment against the University of California for improperly charging fee increases to tens of thousands of undergraduate, graduate, and professional students, and obtained a preliminary injunction prohibiting the University from charging professional students an additional \$15 million in fees.

* ***Luquetta v. Regents***: Won more than \$48 million in a class action against the University of California for improperly charging fee increases to almost 3,000 professional students.

* ***People v. Horton***: Obtained a California Supreme Court death penalty reversal on the direct appeal of a capital case.

* ***Horton v. Mayle***: Obtained a Ninth Circuit habeas corpus remand of a former death penalty defendant’s murder conviction due to the prosecutor’s failure to disclose potentially exculpatory evidence, and obtained reversal of the conviction after an evidentiary hearing in the federal District Court, resulting in the client’s freedom after 27 years in prison.

* ***Jane Doe v. Reddy***: Obtained an \$11 million settlement in a human trafficking case on behalf of young Indian women who were unlawfully brought into the United States and forced to provide sex and free labor.

* ***Anderson v. Regents***: Obtained an \$11 million recovery in a Contracts Clause class action challenging the University of California's refusal to fund thousands of university professors' merit salary increases.

* ***Eklund v. Byron Union Sch. Dist.***: Established the right of public school teachers to use games, role-playing, and other methods considered to be best pedagogical practices to teach about the history, culture and religion of Islam as part of a secular program of education in a world history class.

* ***California Labor Fed'n v. California Occupational Safety and Health Admin.***: Invalidated, on state constitutional grounds, California Budget Act restrictions on the state's payment of public interest attorneys' fees.

* ***United States ex rel. Hendow v. University of Phoenix***: Won a \$78.5 million settlement in a False Claims Act case against a for-profit university that allegedly defrauded the government by falsely certifying its compliance with the Higher Education Act's prohibition against paying commissions to recruiters of new students, which was the second-largest settlement ever of a False Claims Act case in which the U.S. Government declined to intervene.

* ***Oster v. Wagner***: Obtained an injunction to block the implementation of a California statute that would have severely reduced the eligibility of elderly and disabled Californians for in-home support services that enable them to remain in their own homes.

* ***Dominguez v. Schwarzenegger***: Obtained, and successfully defended on appeal, a preliminary injunction against the implementation of a state statute that would have reduced the wages of providers of in-home support services to elderly and disabled Californians, and blocked Fresno County from reducing the wages of its providers to the minimum wage.

* ***M.R. v. Dreyfus***: Obtained a Ninth Circuit ruling that plaintiffs challenging a ten percent reduction in hours of Medicaid homecare services are entitled to a preliminary injunction under the Americans with Disabilities Act.

* ***Hart v. Electronic Arts; Keller v. Electronic Arts***: Successfully briefed and argued a Third Circuit appeal and briefed a Ninth Circuit appeal in cases establishing that NCAA student athletes have a state law right-of-publicity in the commercial use of their likenesses that is sufficient to overcome video game manufacturers' First Amendment defense, later resulting in a \$40 million settlement.

* ***Wells Fargo v. City of Richmond; Bank of New York v. City of Richmond***: Successful defense of lawsuits filed against the city of Richmond, California, alleging that it would be illegal for the city to exercise eminent domain authority to condemn residential mortgage loans.

* ***Sharp v. Next Entertainment, Inc.***: Helped to obtain a decision holding that the California Rules of Professional Responsibility do not preclude labor unions and other advocacy groups from funding class-action litigation, by filing amicus curiae brief and presenting oral argument on behalf of labor and public interest groups, including the ACLU of Southern California.

- * ***Utility Consumers' Action Network v. Sears/California Federal Bank/Household Credit Service/Texaco Credit Card Services/Capital One/Bank of America***: Obtained settlements in a series of consumer privacy class actions against financial institutions and credit card companies prohibiting unauthorized dissemination of personal account information to third party telemarketers.

- * ***Hamilton v. Great Expectations***: Obtained an \$8.5 million settlement of a statewide class action against a video dating service that had electronically eavesdropped on confidential membership interviews.

- * ***Gardner v. Schwarzenegger***: Obtained a restraining order, a preliminary injunction, and a permanent injunction, which was subsequently affirmed on appeal, against enforcement of a state statute that would have permitted incarceration of non-violent drug offenders contrary to California Proposition 36, which mandated probation and drug treatment.

- * ***Garvin v. Utility Consumers' Action Network; Savage v. Utility Consumers' Action Network***: Successfully defended on appeal a \$14 million settlement of a state law privacy class action challenging a bank's practice of selling confidential consumer information to third-party marketing companies.

- * ***Ammari Electronics v. Pacific Bell Directory***: Successfully defended on appeal a \$17.35 million jury verdict on behalf of small businesses that paid for, but did not receive, best-efforts distribution of Pacific Bell Yellow Page Directories.

- * ***Jensen v. Kaiser Permanente***: Obtained the rescission of a health maintenance organization's cost-cutting policy requiring staff psychiatrists to prescribe psychotropic medications for patients they have not examined.

- * ***Welfare Rights Organization v. Crisan***: Established an evidentiary privilege for communications between applicants for public benefits and their lay representatives, including union representatives.

- * ***Rogers v. Governing Board of the Sacramento City Unified Sch. Dist.***: Obtained a writ of mandate and a permanent injunction under the California Charter Schools Act prohibiting a school board from converting an existing public high school into a charter school without the approval of a majority of the school's teachers and requiring the school district to open a new non-charter public high school upon a showing of community support.

- * ***In re Sealed Case***: Obtained a \$13.2 million settlement of a False Claims Act case and two related wrongful termination cases on behalf of a husband and wife who were terminated after disclosing extensive fraud committed by their government contractor employer.

- * ***NAACP v. Davis***: Reinstated a statutory requirement that the California Highway Patrol must collect racial profiling data, despite gubernatorial funding veto.

* ***California Court Reporters Ass’n v. Judicial Council***: Struck down rules that would have allowed official court reporters to be replaced by audiotape recordings in California Superior Courts, and obtained an injunction against expenditures of taxpayer funds in furtherance of such rules.

* ***In re Marriage Cases***: Helped obtain a California Supreme Court decision upholding the right to same-sex marriage under the California Constitution, by filing amicus curiae brief in conjunction with professors and students from Howard University Law School.

* ***Davidson v. County of Sonoma***: Obtained a substantial settlement on behalf of a law enforcement officer injured as a result of his employer’s mock hostage training exercise in which he was seized and threatened at gunpoint.

* ***Vasquez v. State of California***: Obtained a unanimous California Supreme Court decision holding that prevailing plaintiffs who seek private attorney general fees are not required, as a condition of eligibility for a fee award, to demonstrate that they made efforts to settle their dispute before filing their civil complaint.

* ***Olney v. Pringle***: Negotiated a settlement prohibiting state legislators from paying large retroactive salary increases to select staff in violation of the state Constitution.

* ***Gary W. v. State of Louisiana; La Raza Unida v. Volpe***: Required Louisiana and California to pay federal court civil rights attorney’s fee awards, despite the refusal of state legislatures to appropriate the necessary funds.

* ***The Northeast Ohio Coalition for the Homeless v. Husted***: Overturned a long-standing Sixth Circuit rule capping the number of compensable hours incurred in public interest attorneys’ fees litigation to three percent of the hours incurred in litigating the underlying case.

* ***Laffitte v. Robert Half Int’l Inc.***: Obtained a unanimous California Supreme Court decision approving the use of percentage-based common fund attorneys’ fees in public interest litigation.

* ***Nobles v. MBNA Corp.***: Obtained a settlement of a California consumer class action against a bank that misleadingly offered consumer lines of credit without disclosing hidden costs and credit impacts, resulting in a payment to class members of more than 85% of the claimed losses, with interest.

* ***Beaver v. Tarsadia Hotels***: Obtained an order on reconsideration, and then successfully defended it on appeal, holding that the four-year limitations period of California’s Unfair Competition Law applies to conduct that violates the federal Interstate Land Sales Transfer Act, despite the federal statute’s shorter limitations period; resulting in a \$130 million judgment for plaintiffs.

* ***Fanning v. HSBC; Lindgren v. HSBC***: Negotiated a \$13 million settlement of privacy class actions in federal court on behalf of California credit card account holders who alleged that their telephone conversations with their bank’s debt collection and financial fraud personnel were secretly recorded.

- * ***Blair v. Rent-A-Center***: Obtained a \$13 million settlement (providing the class members with full monetary relief for all of their damages, as well as injunctive relief), in a federal court class action on behalf of low-income consumers who alleged that they were overcharged in violation of California’s Rental Purchase Law for appliances and other products purchased on a rent-to-buy basis.

- * ***DNA Sports Performance Lab Inc. v. Major League Baseball***: Obtained dismissal of unfair competition and Lanham Act claims against the Major League Baseball Players Association and obtained an award of Rule 11 sanctions and a civil contempt order against the plaintiff and his counsel for frivolous filings.

- * ***Kim v. Tinder, Inc.***: Obtained a Ninth Circuit decision overturning district court’s approval of consumer class action “reverse-auction” settlement that provided minimal benefits to class members.

- * ***Chang v. Winklevoss***: Obtained a Massachusetts Court of Appeal decision affirming a superior court judgment against breach of contract, quantum meruit, and unjust enrichment claims in a dispute stemming from an alleged partnership that had ended before separate settlement negotiations began with a competitor.

- * ***Matoo v. 24/7 Inc.***: Obtained a Court of Appeal decision affirming grant of judgment notwithstanding the verdict in favor of trustees of a consultant in a dispute over stock options with the company to which the consultant had provided advisory services.

- * ***Center for Popular Democracy v. Board of Governors of the Federal Reserve System***: Obtained summary judgment in FOIA lawsuit requiring disclosure of public records concerning the selection and appointment of presidents and directors of the regional Federal Reserve Banks.

CITATIONS TO JUDICIAL DECISIONS

The firm’s attorneys have participated in the following U.S. Supreme Court cases, as counsel for either a party or an amicus: ***Viking River Cruises, Inc. v. Moriana***, 142 S. Ct. 1906 (2022); ***Dep’t of Homeland Security v. Regents of the Univ. of Cal.***, 140 S. Ct. 1891 (2020); ***Epic Systems, Inc. v. Lewis***, 138 S. Ct. 1612 (2018); ***Expressions Hair Design v. Schneiderman***, 137 S. Ct. 1144 (2017); ***Fisher v. University of Texas at Austin***, 136 S. Ct. 2198 (2016); ***Armstrong v. Exceptional Child Ctr., Inc.***, 135 S. Ct. 1378 (2015); ***Harris v. Quinn***, 134 S. Ct. 2618 (2014); ***Arizona v. United States***, 567 U.S. 387 (2012); ***Nat’ Fed’n of Indep. Business v. Sebelius***, 567 U.S. 519 (2012); ***Knox v. Svc. Employees Int’l Union, Local 1000***, 567 U.S. 298 (2012); ***Douglas v. Indep. Living Ctr. of So. California, Inc.***, 565 U.S. 606 (2012); ***Chamber of Commerce v. Whiting***, 563 U.S. 582 (2011); ***Granite Rock Co. v. Int’l Bhd. of Teamsters***, 561 U.S. 287 (2010); ***Rent-A-Center, West, Inc. v. Jackson***, 561 U.S. 63 (2010); ***Brunner v. Ohio Republican Party***, 555 U.S. 5 (2008); ***Chamber of Commerce v. Brown***, 554 U.S. 60 (2008), *rev’g Chamber of Commerce v. Lockyer*, 463 F.3d 1076 (9th Cir. 2006) (*en banc*); ***Long Island Care at Home, Ltd. v. Coke***, 551 U.S. 158 (2007); ***Orff v. United States***, 545 U.S. 596 (2005); ***Dep’t of Transportation v. Public Citizen***, 541 U.S. 752 (2004); ***BE&K Construction Co. v. NLRB***, 536 U.S. 516 (2002), *on remand*, 351 N.L.R.B. No. 29 (2007); ***Hoffman Plastic Compounds v. NLRB***, 535 U.S. 137 (2002); ***EEOC v. Waffle House***, 534 U.S. 279 (2001); ***Lorillard Tobacco Co. v. Reilly***, 533 U.S. 525 (2001); ***Lujan v. G&G Fire***

Sprinklers, Inc., 532 U.S. 189 (2001); *Circuit City Stores, Inc. v. Adams*, 532 U.S. 105 (2001); *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999); *Nat'l Fed'n of Federal Employees, Local 1309 v. Dep't of the Interior*, 526 U.S. 86 (1999); *Wright v. Universal Maritime Svc. Corp.*, 525 U.S. 70 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); *Burlington Indus. v. Ellerth*, 524 U.S. 742 (1998); *Textron Lycoming Reciprocating Engine Div., Avco Corp. v. UAW*, 523 U.S. 653 (1998); *Allentown Mack Sales and Svc., Inc. v. NLRB*, 522 U.S. 359 (1998); *Bay Area Laundry & Dry Cleaning Pension Trust Fund v. Ferbar Corp.*, 522 U.S. 192 (1997); *Blessing v. Freestone*, 520 U.S. 329 (1997); *California Dep't of Industrial Relations v. Dillingham Construction, Inc.*, 519 U.S. 316 (1997); *Walters v. Metropolitan Educ. Enterprises*, 519 U.S. 202 (1997); *Auciello Iron Works, Inc. v. NLRB*, 517 U.S. 781 (1996); *UFCW v. Brown Group*, 517 U.S. 544 (1996); *NLRB v. Town & Country Elec., Inc.*, 516 U.S. 85 (1995); *McKennon v. Nashville Banner*, 513 U.S. 352 (1995); *Hawaiian Airlines v. Norris*, 512 U.S. 246 (1994); *Livadas v. Bradshaw*, 512 U.S. 107 (1994); *NLRB v. Health Care & Retirement Corp.*, 511 U.S. 571 (1994); *ABF Freight System Inc. v. NLRB*, 510 U.S. 317 (1994); *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *Reno v. Catholic Social Svcs.*, 509 U.S. 43 (1993); *Dist. of Columbia v. Greater Washington Bd. of Trade*, 506 U.S. 125 (1992); *Forsyth County v. Nationalist Movement*, 505 U.S. 123 (1992); *Gade v. Nat'l Solid Waste Mgt. Ass'n*, 505 U.S. 85 (1992); *INS v. Nat'l Ctr. for Immigrants' Rights*, 502 U.S. 183 (1991); *Gilmer v. Interstate/Johnson Lane Corp.*, 500 U.S. 20 (1991); *UAW v. Johnson Controls, Inc.*, 499 U.S. 187 (1991); *ALPA v. O'Neill*, 499 U.S. 65 (1991); *McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479 (1991); *United States v. Kokinda*, 497 U.S. 720 (1990); *Keller v. State Bar of California*, 496 U.S. 1 (1990); *NLRB v. Curtin Matheson Scientific, Inc.*, 494 U.S. 775 (1989); *Guidry v. Sheet Metal Workers Nat'l Pension Fund*, 493 U.S. 365 (1989); *Breining v. Sheet Metal Workers Int'l Ass'n, Local Union No. 6*, 493 U.S. 67 (1989); *Webster v. Reproductive Health Svcs.*, 492 U.S. 490 (1989); *Bd. of Trustees of SUNY v. Fox*, 492 U.S. 469 (1989); *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Frisby v. Schultz*, 487 U.S. 474 (1988); *Lingle v. Norge Div. of Magic Chef, Inc.*, 486 U.S. 399 (1988); *Edward J. DeBartolo Corp. v. Florida Gulf Coast Bldg. & Constr. Trades Council*, 485 U.S. 568 (1988); *Bd. of Airport Commissioners v. Jews for Jesus, Inc.*, 482 U.S. 569 (1987); *Caterpillar, Inc. v. Williams*, 482 U.S. 386 (1987); *Fall River Dying & Finishing Corp. v. NLRB*, 482 U.S. 27 (1987); *Fort Halifax Packing Co. v. Coyne*, 482 U.S. 1 (1987); *Atchison, Topeka & Santa Fe Ry. v. Buell*, 480 U.S. 557 (1987); *California Federal Savings & Loan Ass'n v. Guerra*, 479 U.S. 1312 (1987); *Baker v. General Motors Corp.*, 478 U.S. 21 (1986); *Int'l Union, UAW v. Brock*, 477 U.S. 274 (1986); *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986); *NLRB v. Financial Institution Employees*, 475 U.S. 192 (1986); *Pacific Gas & Electric Co. v. Public Utilities Comm.*, 475 U.S. 1 (1986); *Pattern Makers' League v. NLRB*, 473 U.S. 95 (1985); *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986 (1984); *Ellis v. Bh'd of Ry. Airline & S.S. Clerks*, 466 U.S. 435 (1984); *Arizona Governing Committee v. Norris*, 463 U.S. 1073 (1983); *Shaw v. Delta Airlines*, 463 U.S. 85 (1983); *Newport News Shipbuilding & Dry Dock Co. v. EEOC*, 462 U.S. 669 (1983); *Bush v. Lucas*, 462 U.S. 367 (1983); *Connick v. Myers*, 461 U.S. 138 (1983); *Knight v. Minnesota Community College Faculty Ass'n*, 460 U.S. 1048 (1983); *Bowen v. United States Postal Service*, 459 U.S. 212 (1983); *Bd. of Educ. v. Pico*, 457 U.S. 853 (1982); *Heffron v. ISKCON*, 452 U.S. 640 (1981); *Donovan v. Dewey*, 452 U.S. 594 (1981); *NLRB v. Retail Stores Employees Union*, 447 U.S. 607 (1980); *Pruneyard Shopping Center v. Robins*, 447 U.S. 74 (1980); *Whirlpool Corp. v. Marshall*, 445 U.S. 1 (1980); *Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289 (1979); *Cannon v. Univ. of Chicago*, 441 U.S. 677 (1979);

New York Telephone Co. v. New York Labor Dep’t, 440 U.S. 519 (1979); ***Hisquierdo v. Hisquierdo***, 439 U.S. 572 (1979); ***City of Los Angeles v. Manhart***, 435 U.S. 702 (1978).

The firm’s attorneys have also participated in the following cases in the federal courts of appeals, among others: ***Olson v. State of California***, 62 F.4th 1206 (9th Cir. 2023); ***Nix v. Major League Baseball***, 62 F.4th 920 (5th Cir. 2023); ***Williams v. VibrantCare Rehabilitation, Inc.***, 2022 WL 17592428 (9th Cir. Dec. 13, 2022); ***Kang v. Fyson***, 2022 WL 6943174 (9th Cir. Oct. 12, 2022); ***American Airlines Flow-Thru Pilots Coalition v. Allied Pilots Ass’n***, 2022 WL 4481533 (9th Cir. Sept. 27, 2022); ***Nix v. Major League Baseball***, 2022 WL 4482455 (9th Cir. Sept. 27, 2022); ***Wright v. Service Employees Int’l Union Local 503***, 48 F.4th 1112 (9th Cir. 2022); ***Ochoa v. Public Consulting Group, Inc.***, 48 F.4th 1102 (9th Cir. 2022); ***Zielinski v. Service Employees Int’l Union Local 503***, 2022 WL 4298160 (9th Cir. Sept. 19, 2022); ***Hoekman v. Educ. Minn.***, 41 F.4th 969 (8th Cir. 2022); ***Brown v. AFSCME***, 41 F.4th 963 (8th Cir. 2022); ***Allen v. Santa Clara County Correctional Peace Officers Ass’n***, 38 F.4th 68 (9th Cir. 2022); ***Polk v. Yee***, 36 F.4th 939 (9th Cir. 2022); ***Wagner v. Univ. of Washington***, 2022 WL 1658245 (9th Cir. May 25, 2022); ***Jauregui v. Roadrunner Transportation Services, Inc.***, 28 F.4th 989 (9th Cir. 2022); ***Home Care Ass’n v. Bonta***, 2022 WL 445522 (9th Cir. Feb. 14, 2022); ***Barke v. Banks***, 25 F.4th 714 (9th Cir. 2022); ***Few v. United Teachers Los Angeles***, 2022 WL 260023 (9th Cir. Jan. 27, 2022); ***Wilford v. Nat’l Educ. Ass’n***, 2022 WL 256724 (9th Cir. Jan. 26, 2022); ***Martin v. Cal. Teachers Ass’n***, 2022 WL 256360 (9th Cir. Jan. 26, 2022); ***Babb v. Cal. Teachers Ass’n***, 2022 WL 262144 (9th Cir. Jan. 26, 2022); ***Gabriele v. Service Employees Int’l Union, Local 1000***, 2021 WL 4959427 (9th Cir. Oct. 26, 2021); ***Penning v. Service Employees Int’l Union, Local 1021***, 2021 WL 4958858 (9th Cir. Oct. 26, 2021); ***Hamidi v. Service Employees Int’l Union, Local 1000***, 2021 WL 4958855 (9th Cir. Oct. 26, 2021); ***Kim v. Allison***, 8 F.4th 1170 (9th Cir. 2021); ***Cal. Trucking Ass’n v. Bonta***, 996 F.3d 644 (9th Cir. 2021); ***Service Employees Int’l Union Local 87 v. NLRB (Preferred Building Services)***, 995 F.3d 1032 (9th Cir. 2021); ***Zoller v. GCA Advisors, LLC***, 993 F.3d 1198 (9th Cir. 2021); ***Hendrickson v. AFSCME Council 18***, 992 F.3d 950 (10th Cir. 2021); ***Berman v. Microchip Technology, Inc.***, 838 Fed. App’x 292 (9th Cir. 2021); ***Bayer v. Neiman Marcus Group, Inc.***, 843 Fed. App’x 74 (9th Cir. 2021); ***LaSpina v. SEIU Penn. State Council***, 985 F.3d 278 (3d Cir. 2021); ***Seidemann v. Prof’l Staff Congress Local 2334, American Fed’n of Teachers***, 2021 WL 79162 (2d Cir. Jan. 11, 2021); ***Service Employees Int’l Union Local 200 United v. Trump***, 975 F.3d 150 (2d Cir. 2020); ***Belgau v. Inslee***, 975 F.3d 940 (9th Cir. 2020); ***Diamond v. Penn. State Educ. Ass’n***, 972 F.3d 262 (3d Cir. Aug. 28, 2020); ***Thompson v. Marietta Educ. Ass’n***, 972 F.3d 809 (6th Cir. 2020); ***Canela v. Costco Wholesale Corp.***, 971 F.3d 845 (9th Cir. 2020); ***Oakland Bulk & Oversized Terminal, LLC v. City of Oakland***, 960 F.3d 603 (9th Cir. 2020); ***Chavez v. Plan Benefit Services, Inc.***, 957 F.3d 542 (5th Cir. 2020); ***Wholean v. CSEA SEIU Local 2001***, 955 F.3d 332 (2d Cir. 2020); ***Ridgeway v. Walmart Inc.***, 946 F.3d 1066 (9th Cir. 2020); ***Danielson v. Inslee***, 945 F.3d 1096 (9th Cir. 2019); ***Salazar v. McDonald’s Corp.***, 939 F.3d 1051 (9th Cir. 2019); ***Blair v. Rent-A-Center, Inc.***, 928 F.3d 819 (9th Cir. 2019); ***Bekele v. Lyft, Inc.***, 918 F.3d 181 (1st Cir. 2019); ***Mentele v. Inslee***, 916 F.3d 783 (9th Cir. 2019); ***Hamidi v. Serv. Emps. Int’l Union, Local 1000***, 747 Fed. App’x 586 (9th Cir. 2019); ***Fisk v. Inslee***, 2019 WL 141253, 759 Fed. App’x 632 (9th Cir. 2019); ***Riffey v. Rauner***, 910 F.3d 314 (7th Cir. 2018); ***Regents of the Univ. of Cal. v. Dep’t of Homeland Sec.***, 908 F.3d 476 (9th Cir. 2018); ***Pioneer Roofing Org. v. Local Joint Adjustment Smart Bd. Local Union No. 104***, 725 Fed. App’x 582 (9th Cir. 2018); ***Casumpang v. Hawaii Comm. and Sugar Co.***, 712 Fed. App’x 709 (9th Cir. 2018); ***Allied Concrete and Supply Co. v. Baker***, 904 F.3d 1053 (9th Cir. 2018); ***Lewis v. Alabama***, 896 F.3d 1282 (11th Cir. 2018), *rev’d on rehearing en*

banc, 944 F.3d 1287 (11th Cir. 2019); **Clark v. City of Seattle**, 899 F.3d 802 (9th Cir. 2018); **Interpipe Contracting v. Becerra**, 898 F.3d 879 (9th Cir. 2018); **Chamber of Comm. v. City of Seattle**, 890 F.3d 769 (9th Cir. 2018); **Riffey v. Rauner**, 873 F.3d 558 (7th Cir. 2017); **Int’l Union of Operating Engineers Local 139 v. Schimel**, 863 F.3d 674 (7th Cir. 2017); **Demetris v. Transport Workers Union**, 862 F.3d 799 (9th Cir. 2017); **Int’l Bhd. of Teamsters v. United States Dep’t of Transportation**, 861 F.3d 944 (9th Cir. 2017); **Bayer v. Neiman Marcus Group, Inc.**, 861 F.3d 853 (9th Cir. 2017); **NLRB v. Alternative Entertainment, Inc.**, 858 F.3d 393 (6th Cir. 2017); **Maloney v. T3Media, Inc.**, 853 F.3d 1004 (9th Cir. 2017); **Hill v. Svc. Employees Int’l Union**, 850 F.3d 861 (7th Cir. 2017); **Jarvis v. Cuomo**, 660 Fed. App’x 72 (2d Cir. 2016); **Natural Resources Defense Council v. Pritzker**, 828 F.3d 1125 (9th Cir. 2016); **Brown v. Wal-Mart Stores, Inc.**, 651 Fed. App’x 672 (9th Cir. 2016); **Bierman v. Dayton**, 817 F.3d 1070 (8th Cir. 2016); **Beaver v. Tarsadia Hotels**, 816 F.3d 1170 (9th Cir. 2016); **D’Agostino v. Patrick**, 812 F.3d 240 (1st Cir. 2016); **Villarreal v. R.J. Reynolds Tobacco Co.**, 839 F.3d 958 (11th Cir. 2016) (*en banc*); **Green v. Bank of America, N.A.**, 634 Fed. App’x 188 (9th Cir. 2015); **Int’l Franchise Ass’n v. City of Seattle**, 803 F.3d 389 (9th Cir. 2015); **Texas v. United States**, 787 F.3d 733 (5th Cir. 2015); **DeBoer v. Snyder**, 772 F.3d 388 (6th Cir. 2014); **Friedrichs v. California Teachers Ass’n**, 2014 WL 10076847 (9th Cir. Nov. 18, 2014), *aff’d by an equally divided court*, 136 S. Ct. 1083 (2016); **Natural Resources Defense Council v. Jewell**, 749 F.3d 776 (9th Cir. 2014); **Kilby v. CVS Pharmacy, Inc.**, 739 F.3d 1192 (9th Cir. 2013); **Valle del Sol Inc. v. Whiting**, 732 F.3d 1006 (9th Cir. 2013) and 709 F.3d 808 (9th Cir. 2013); **United Steel Workers Local 12-369 v. United Steel Workers, Int’l**, 728 F.3d 1107 (9th Cir. 2013); **In re NCAA Student-Athlete Name & Likeness Licensing Litig.**, 724 F.3d 1268 (9th Cir. 2013), *cert. dismissed sub nom. Elec. Arts Inc. v. Keller*, 135 S. Ct. 42 (2014); **Svc. Employees Int’l Union v. Nat’l Union of Healthcare Workers**, 718 F.3d 1036 (9th Cir. 2013); **Hart v. Elec. Arts, Inc.**, 717 F.3d 141 (3d Cir. 2013), *cert. dismissed*, 135 S. Ct. 43 (2014); **Int’l Bhd. of Teamsters v. United States Dep’t of Transportation**, 714 F.3d 580 (2013); **Firebaugh Canal Water Dist. v. United States**, 712 F.3d 1296 (9th Cir. 2013), *cert. denied*, 134 S. Ct. 1300 (2014); **Carrillo v. Schneider Logistics, Inc.**, 501 Fed. App’x 713 (9th Cir. 2012); **Gale v. First Franklin Loan Servs.**, 701 F.3d 1240 (9th Cir. 2012); **Northeast Ohio Coalition for the Homeless v. Husted**, 696 F.3d 580 (6th Cir. 2012), *later proceeding*, 831 F.3d 686 (2016); **Mulhall v. UNITE HERE Local 355**, 667 F.3d 1211 (11th Cir. 2012); **M.R. v. Dreyfus**, 663 F.3d 1100 (9th Cir. 2011), *amended on denial of pet. for rehearing en banc*, 697 F.3d 706 (9th Cir. 2012); **Kairy v. SuperShuttle Int’l**, 660 F.3d 1146 (9th Cir. 2011); **Virginia ex rel. Cuccinelli v. Sebelius**, 656 F.3d 253 (4th Cir. 2011); **Harris v. Quinn**, 656 F.3d 692 (7th Cir. 2011), *rev’d*, 134 S. Ct. 2618 (2014); **Florida v. United States Dep’t of Health and Human Svcs.**, 648 F.3d 1235 (11th Cir. 2011); **Knox v. Cal. State Employees Ass’n, Local 1000**, 628 F.3d 1115 (9th Cir. 2010), *rev’d sub nom Knox v. Svc. Employees Int’l Ass’n, Local 1000*, 132 S. Ct. 2277 (2012); **Narayan v. EGL, Inc.**, 616 F.3d 895 (9th Cir. 2010); **Dominguez v. Schwarzenegger**, 596 F.3d 1087 (9th Cir. 2010); **Svc. Employees Int’l Union, Local 5 v. City of Houston**, 595 F.3d 588 (5th Cir. 2010); **Veldechalam v. Tata America Int’l Corp.**, 339 Fed. App’x 761 (9th Cir. 2009); **Glass v. UBS Financial Svcs. Inc.**, 331 Fed. App’x 452 (9th Cir. 2009); **The Sierra Club Foundation v. Dep’t of Transportation**, 563 F.3d 897 (9th Cir. 2009); **Morgan v. Family Dollar Stores, Inc.**, 551 F.3d 1233 (11th Cir. 2008); **Adcock v. Freighliner, LLC**, 550 F.3d 369 (4th Cir. 2008); **Chicanos Por La Causa, Inc. v. Napolitano**, 544 F.3d 976 (9th Cir. 2008); **Ohio Republican Party v. Brunner**, 544 F.3d 711 (6th Cir. 2008) (*en banc*), *rev’d*, 555 U.S. 5 (2008); **Granite Rock Co. v. Int’l Bhd. of Teamsters**, 546 F.3d 1169 (9th Cir. 2008), *aff’d in part and rev’d in part*, 130 S. Ct. 2847 (2010); **Golden Gate Restaurant Ass’n v. City and County of San Francisco**, 546 F.3d 639 (9th Cir. 2008), and 512 F.3d 1112 (9th Cir. 2008); **In re Farmers Ins.**

Exchange Claims Representatives' Overtime Pay Litigation, 481 F.3d 1119 (9th Cir. 2007); *In re Garabedd Melkonian Trust*, 235 Fed. App'x 404 (9th Cir. 2007); *Chamber of Commerce v. Lockyer*, 463 F.3d 1076 (9th Cir. 2006) (*en banc*), *rev'd sub nom Chamber of Commerce v. Brown*, 554 U.S. 60 (2008); *United States v. Afshari*, 446 F.3d 915 (9th Cir. 2006), *cert. denied sub nom Rahmani v. United States*, 549 U.S. 1110 (2007); *Eklund v. Byron Union School Dist.*, 154 Fed. App'x 648, 2005 WL 3086580 (9th Cir. 2005); *Recon Refractory & Constr. Inc. v. NLRB*, 424 F.3d 980 (9th Cir. 2005); *Horton v. Mayle*, 408 F.3d 570 (9th Cir. 2005); *Cummings v. Connell*, 402 F.3d 936 (9th Cir. 2005), and 316 F.3d 886 (9th Cir. 2003); *Lopez-Alvarado v. Ashcroft*, 381 F.3d 847 (9th Cir. 2004); *Associated Builders & Contractors v. Nunn*, 356 F.3d 979 (9th Cir. 2004); *Wagner v. Professional Engineers in California Gov't*, 354 F.3d 1036 (9th Cir. 2004); *Harik v. California Teachers Ass'n*, 326 F.3d 1042 (9th Cir. 2003); *Deutsch v. Turner Corp.*, 324 F.3d 692 (9th Cir. 2003); *Simo v. Union of Needletrades, Industrial & Textile Employees*, 322 F.3d 602 (9th Cir. 2003); *Public Citizen v. Dep't of Transportation*, 316 F.3d 1002 (9th Cir. 2003), *rev'd*, 541 U.S. 752 (2004); *Conant v. Walters*, 309 F.3d 629 (9th Cir. 2002), *aff'g Conant v. McCaffrey*, 2000 WL 1281174 (N.D. Cal. 2000), 172 F.R.D. 681 (N.D. Cal. 1997); *Immigrant Assistance Project v. INS*, 306 F.3d 842 (9th Cir. 2002); *Steam Press Holdings, Inc. v. Hawaii Teamsters and Allied Workers Union, Local 996*, 302 F.3d 998 (9th Cir. 2002); *Wininger v. Boyden*, 301 F.3d 1115 (9th Cir. 2002); *Prescott v. County of El Dorado*, 298 F.3d 844 (9th Cir. 2002); *Casumpang v. Int'l Longshoremen's Local 142*, 269 F.3d 1042 (9th Cir. 2001), *later proceeding*, 361 F. Supp. 2d 1195 (D. Hawaii 2005); *Foster v. Mahdesian*, 268 F.3d 689 (9th Cir. 2001); *BE&K Construction Co. v. NLRB*, 246 F.3d 619 (6th Cir. 2001), *rev'd*, 536 U.S. 516 (2002); *Petrochem Insulation v. NLRB*, 240 F.3d 26 (D.C. Cir. 2001); *Hoffman Plastic Compounds, Inc. v. NLRB*, 237 F.3d 639 (D.C. Cir. 2001) (*en banc*), *rev'd*, 535 U.S. 137 (2002); *Tosco Corp. v. Communities for a Better Environment*, 236 F.3d 495 (9th Cir. 2001); *Catholic Social Svcs. v. INS*, 232 F.3d 1139 (9th Cir. 2000) (*en banc*); *St. Thomas-St. John Hotel & Tourism Ass'n v. Gov't of the United States Virgin Islands*, 218 F.3d 232 (3rd Cir. 2000); *Does I through XXIII v. Advanced Textile Corp.*, 214 F.3d 1058 (9th Cir. 2000); *Passantino v. Johnson & Johnson Consumer Products, Inc.*, 212 F.3d 493 (9th Cir. 2000); *Burlington Northern Santa Fe Ry. Co. v. Int'l Bhd. of Teamsters Local 174*, 203 F.3d 703 (9th Cir. 2000) (*en banc*); *Aramark Corp. v. NLRB*, 179 F.3d 872 (10th Cir. 1999) (*en banc*); *U.S. Airways, Inc. v. Nat'l Mediation Bd.*, 177 F.2d 985 (D.C. Cir. 1999); *Retlaw Broadcasting Co. v. NLRB*, 172 F.3d 660 (9th Cir. 1999); *Rosenberg v. Merrill Lynch, Pierce, Fenner & Smith Inc.*, 170 F.3d 1 (1st Cir. 1999); *CPS Chem. Co. v. NLRB*, 160 F.3d 150 (3d Cir. 1998); *G&G Sprinklers, Inc. v. Bradshaw*, 156 F.3d 893 (9th Cir. 1998), *vacated and remanded*, 526 U.S. 1061 (1999), *on remand*, 204 F.3d 941 (9th Cir. 2000), *rev'd*, 532 U.S. 189 (2001); *Californians v. Mendonca*, 152 F.3d 1184 (9th Cir. 1998); *Tahara v. Matson Terminals, Inc.*, 152 F.3d 929, 1998 WL 405855, 1998 U.S. App. LEXIS 15412 (9th Cir. 1998) (*mem. disp.*); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998); *Duffield v. Robertson Stephens & Co.*, 144 F.3d 1182 (9th Cir. 1998); *Bennett v. Yoshina*, 140 F.3d 1218 (9th Cir. 1998); *McNealy v. Caterpillar, Inc.*, 139 F.3d 1113 (7th Cir. 1998); *San Antonio Comm. Hosp. v. So. California Dist. Council of Carpenters*, 137 F.3d 1090 (9th Cir. 1997); *McClatchy Newspapers, Inc. v. NLRB*, 131 F.3d 1026 (D.C. Cir. 1998); *Montero v. INS*, 124 F.3d 381 (2d Cir. 1997); *ConAgra v. NLRB*, 117 F.3d 1435 (D.C. Cir. 1997); *Associated Builders & Contrs., Inc. v. Local 302, IBEW*, 109 F.3d 1353 (9th Cir. 1997); *Pryner v. Tractor Supply Co., Inc.*, 109 F.3d 354 (7th Cir. 1997); *Beverly Enterprises-Pennsylvania, Inc. v. Dist. 1199C*, 90 F.3d 93 (3rd Cir. 1996); *Fry v. ALPA*, 88 F.3d 831 (10th Cir. 1996); *WSB Electric, Inc. v. Curry*, 88 F.3d 788 (9th Cir. 1996); *United Ass'n of Journeymen & Apprentices v. Reno*, 73 F.3d 1134 (D.C. Cir. 1996); *Chamber of Commerce v. Bragdon*, 64 F.3d 497 (9th Cir. 1995); *Washington*

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In the federal district courts, the firm’s cases have included the following: *Craine v. AFSCME Council 36*, 2023 WL 2379217 (C.D. Cal. Feb. 1, 2023); *Inland Empire United v. Riverside County*, 2023 WL 397035 (C.D. Cal. Jan. 23, 2023); *Diaz v. Tesla, Inc.*, 2022 WL 17584235 (N.D. Cal. Dec. 12, 2022); *McBurnie v. Acceptance Now, LLC*, 2022 WL 17342195 (N.D. Cal. Nov. 30, 2022); *Goldstein v. Professional Staff Congress/CUNY*, 2022 WL 17342676 (S.D.N.Y. Nov. 30, 2022); *Kumpf v. New York State United Teachers*, 2022 WL 17155847 (N.D.N.Y. Nov. 22, 2022); *Vindman v. Trump*, 2022 WL 16758575 (D.D.C. Nov. 8, 2022); *Wheatley v. New York State United Teachers*, 2022 WL 4452921 (N.D.N.Y. Sept. 19, 2022); *Kant v. Service Employees Int’l Union, Local 721*, 2022 WL 5239532 (C.D. Cal. Sept. 1, 2022); *Evans Hotels, LLC v. United Here! Local 30*, 2022 WL 3924283 (S.D. Cal. Aug. 30, 2022); *Sarmiento v. Fresh Harvest, Inc.*, 2022 WL 3589492 (N.D. Cal. Aug. 22, 2022); *Fisher v. SAG-AFTRA*, 2022 WL 2987186 (C.D. Cal. July 27, 2022); *Laird v. United Teachers Los Angeles*, 2022 WL 2976824 (C.D. Cal. July 20, 2022); *Tassinari v. Salvation Army Nat’l Corp.*, 610 F. Supp. 3d 343 (D. Mass. 2022); *Fellowship of Christian Athletes v. San Jose Unified School Dist. Board of Educ.*, 2022 WL 1786574 (N.D. Cal. June 1, 2022); *Diaz v. Tesla, Inc.*,

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The firm has also participated in the following state supreme court cases, among others: *Washington Food Indus. Ass'n v. City of Seattle*, 524 P.3d 181 (Wash. 2023); *Busker v. Wabtec Corp.*, 11 Cal.5th 1147 (2021); *Daly v. San Bernardino County Board of Supervisors*, 11 Cal.5th 1030 (2021); *Ferra v. Loews Hollywood Hotel, LLC*, 11 Cal.5th 858 (2021); *Mendoza v. Fonseca McElroy Grinding Co., Inc.*, 11 Cal.5th 1118 (2021); *Oman v. Delta Air Lines, Inc.*, 9 Cal.5th 762 (2020); *ZB, N.A. v. Superior Court*, 8 Cal.5th 175 (2019); *Dynamex Operations West v. Superior Court*, 4 Cal.5th 903 (2018); *Daniels v. Fandual, Inc.*, 109 N.E.3d 390 (Indiana Supreme Court 2018); *Gerawan Farming, Inc. v. Agricultural Labor Relations Bd.*, 3 Cal.5th 1118 (2017); *Roy Allan Slurry Seal, Inc. v. American Asphalt South*, 2 Cal.5th 505 (2017); *Laffitte v. Robert Half Int'l Inc.*, 1 Cal.5th 480 (2016); *Kilby v. CVS Pharmacy, Inc.*, 63 Cal.4th 1 (2016); *United Public Workers v. Abercrombie*, 133 Haw. 188 (2014); *Paratransit, Inc. v. Unemployment Ins. Appeals Bd.*, 59 Cal.4th 551 (2014); *Iskanian v. CLS Transp. Los Angeles, LLC*, 59 Cal.4th 348 (2014); *Duran v. U.S. Bank Nat'l Ass'n*, 59 Cal.4th 1 (2014); *American Nurses Ass'n v. Torlakson*, 57 Cal.4th 570 (2013); *County of Los Angeles v. Los Angeles County Employee Relations Comm'n*, 56 Cal.4th 905 (2013); *Ralphs Grocery Co. v. United Food & Commercial Workers Union Local 8*, 55 Cal.4th 1083 (2012); *State Bldg. & Construction Trades Council v. City of Vista*, 54 Cal.4th 547 (2012); *United Teachers of Los Angeles v. Los Angeles Unified School Dist.*, 54 Cal.4th 504 (2012); *Brinker Restaurant Corp. v. Superior Court*, 53 Cal.4th 1004 (2012); *Peterson v. State*, 280 P.3d 559 (Alaska 2012); *Hawaii State Teachers Ass'n v. Abercrombie*, 126 Haw. 318 (2012); *California Grocers Ass'n v. City of Los Angeles*, 52 Cal.4th 177 (2011); *Professional Engineers in California Gov't v. Schwarzenegger*, 50 Cal.4th 989 (2010); *St. John's Well Child and Family Center v. Schwarzenegger*, 50 Cal.4th 960 (2010); *Hawaii Gov't Employees Ass'n v. Lingle*, 239 P.3d 1 (Haw. 2010); *City of San Jose v. Operating Engineers Local No. 3*, 49 Cal.4th 597 (2010); *Pearson Dental Supplies, Inc. v. Superior Court*, 48 Cal.4th 665 (2010); *Amalgamated Transit Union v. Superior Court*, 46 Cal.4th 993 (2009); *Sheehan v. The San Francisco 49ers, Ltd.*, 45 Cal.4th 992 (2009); *Vasquez v. State of California*, 45 Cal.4th 243 (2008); *State ex rel. Colvin v. Brunner*, 120 Ohio St.3d 110, 896 N.E.2d 979 (Ohio 2008); *EPIC v. California Dep't of Forestry & Fire Protection*, 44 Cal.4th 459 (2008); *In re Marriage Cases*, 43 Cal.4th 757 (2008); *Gentry v. Superior Court*, 42 Cal.4th 443 (2007); *Fleischman v. Protect Our City*, 214 Ariz. 406, 153 P.3d 1035 (2007); *Tahara v. Matson Terminals, Inc.*, 111 Hawaii 16, 136 P.3d 904 (2006); *Reynolds v. Bement*, 36 Cal.4th 1075 (2005); *City of Long Beach v. Dep't of Industrial Relations*, 34 Cal.4th 942 (2004), vacating 110 Cal. App. 4th 636 (2003); *AFL-CIO v. Hood*, 885 So.2d 373 (Fla. 2004); *Intel Corp. v. Hamidi*, 30 Cal.4th 1342 (2003); *Viner v. Sweet*, 30 Cal.4th 1232 (2003); *Hamilton v. Maryland Casualty Co.*, 27 Cal.4th 718 (2002); *Golden Gateway Ctr. v. Golden Gateway Tenants Ass'n*, 26 Cal.4th 1013 (2001); *Gerawan Farming, Inc. v. Lyons*, 24 Cal.4th 468 (2000); *Armendariz v. Foundation Health Psychcare Svcs.*, 24 Cal.4th 83 (2000); *Morillion v. Royal Packing Co.*, 22 Cal.4th 575 (2000); *Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.*, 20 Cal.4th 243 (1999); *Hawaii State AFL-CIO v. Yoshina*, 935 P.2d 89 (Haw. 1997); *Masonry & Tile Contractors Ass'n v. Jolley, Urga & Wirth*, 941 P.2d 486 (Nev. 1997); *People ex rel. Lundgren v. Superior Court (American Standard)*, 14 Cal.4th 294 (1996); *AFL-CIO v. Unemployment Ins. Appeals Bd.*, 13 Cal.4th 1017 (1996), rev'g 38 Cal. App. 4th 1205 (1995); *People v. Horton*, 11 Cal.4th 1068 (1996); *So. California Chapter of Associated Builders & Contractors, Inc. v. California*

Apprenticeship Council, 4 Cal.4th 422 (1992); *In re Horton*, 54 Cal.3d 82 (1991); *Cumero v. Public Employment Relations Bd.*, 49 Cal.3d 575 (1989); *Keller v. State Bar*, 47 Cal.3d 1152 (1989); *DeTomaso v. Pan American World Airways*, 43 Cal.3d 517 (1987); *County of Los Angeles v. State of California*, 43 Cal.3d 46 (1987); *Long Beach City Employees Ass'n v. City of Long Beach*, 41 Cal.3d 937 (1986); *Regents of the Univ. of California v. Public Employment Relations Bd.*, 41 Cal.3d 601 (1986); *San Jose Teachers Ass'n v. Superior Court*, 38 Cal.3d 839 (1985); *AFL-CIO v. Eu*, 36 Cal.3d 687 (1984); *Legislature of the State of California v. Deukmejian*, 34 Cal.3d 658 (1983); *San Mateo City School Dist. v. Public Employment Relations Bd.*, 33 Cal.3d 850 (1983); *Welfare Rights Org. v. Crisan*, 33 Cal.3d 766 (1983); *Serrano v. Unruh*, 32 Cal.3d 621 (1982); *Mandel v. Myers*, 29 Cal.3d 531 (1981); *Pacific Legal Foundation v. Unemployment Ins. Appeals Bd.*, 29 Cal.3d 101 (1981); *Sears Roebuck & Co. v. San Diego County Dist. Council of Carpenters*, 25 Cal.3d 317 (1979); *Robins v. Pruneyard Shopping Center*, 23 Cal.3d 899 (1979).

The firm has also participated in the following cases in the state courts of appeal, among others: *Castellanos v. State of California*, 89 Cal.App.5th 131 (2023); *Vaughn v. Tesla, Inc.*, 87 Cal.App.5th 208 (2023); *Whitlach v. Premier Valley, Inc.*, 86 Cal.App.5th 673 (2022); *Shaw v. Superior Court*, 78 Cal. App. 5th 245 (2022); *Hutcheson v. Superior Court*, 74 Cal. App. 5th 932 (2022); *People v. Superior Court (Cal Cartage Transportation Express, LLC)*, 57 Cal. App. 5th 619 (2020); *People v. Uber Technologies, Inc.*, 56 Cal. App. 5th 266 (2020); *Oakland Bulk and Oversized Terminal, LLC v. City of Oakland*, 54 Cal. App. 5th 738 (2020); *Ferra v. Loews Hollywood Hotel, LLC*, 2019 WL 5061494 (Cal. Ct. App. 2019); *Esparza v. Safeway, Inc.*, 36 Cal. App. 5th 42 (2019); *Barber v. State Personnel Bd.*, 35 Cal. App. 5th 500 (2019); *Chang v. Winklevoss*, 95 Mass.App.Ct. 202 (2019); *Glaviano v. Sacramento Unified Sch. Dist.*, 22 Cal. App. 5th 744 (2018); *Castillo v. Glenair, Inc.*, 23 Cal. App. 5th 262 (2018); *People v. ConAgra Grocery Products Co.*, 17 Cal. App. 5th 51 (2017); *Turman v. Superior Court*, 17 Cal.App. 5th 969 (2017); *Vergara v. California*, 246 Cal. App. 4th 619 (2016); *Nat'l Restaurant Ass'n v. Comm'n of Labor*, 141 A.D.3d 185, 34 N.Y.S.3d 232 (2016); *El Centro v. Lanier*, 245 Cal. App. 4th 1494 (2016); *Jenks v. DLA Piper Rudnick Gray Cary US LLP*, 243 Cal. App. 4th 1 (2015); *Noe v. Superior Court*, 237 Cal. App. 4th 316 (2015); *Koval v. Pac. Bell Tel. Co.*, 232 Cal. App. 4th 1050 (2014); *Van Zant v. Apple, Inc.*, 229 Cal. App. 4th 965 (2014); *Professional Engineers in California Gov't v. Brown*, 229 Cal. App. 4th 861 (2014); *Sheet Metal Workers' Int'l Ass'n, Local 104 v. Duncan*, 229 Cal. App. 4th 192 (2014); *California High-Speed Rail Authority v. Superior Court*, 228 Cal. App. 4th 676 (2014); *Los Angeles Unified School Dist. v. Superior Court*, 228 Cal. App. 4th 222 (2014); *Hall v. Rite Aid Corp.*, 226 Cal. App. 4th 278 (2014); *D'Arrigo Bros. v. United Farmworkers*, 224 Cal. App. 4th 790 (2014); *ALPA Int'l v. United Airlines, Inc.*, 223 Cal. App. 4th 706 (2014); *Farmers Ins. Exch. v. Superior Court*, 218 Cal. App. 4th 96 (2013); *Gonzalez v. Downtown L.A. Motors LP*, 215 Cal. App. 4th 36 (2013); *California Redevelopment Ass'n v. Matosantos*, 212 Cal. App. 4th 1457 (2013); *Veronese v. Lucasfilm Ltd.*, 212 Cal. App. 4th 1 (2012); *Hernandez v. Chipotle Mexican Grill, Inc.*, 208 Cal. App. 4th 1487 (2012); *Reed v. United Teachers Los Angeles*, 208 Cal. App. 4th 322 (2012); *Hensel Phelps Construction Co. v. San Diego Unified Port Dist.*, 197 Cal. App. 4th 1020 (2011); *California Chamber of Commerce v. Brown*, 196 Cal. App. 4th 233 (2011); *County of Los Angeles v. Los Angeles County Employee Relations Comm'n*, 192 Cal. App. 4th 1409 (2011); *Ralph's Grocery Co. v. UFCW Local 8*, 192 Cal. App. 4th 200 (2011); *Home Depot v. Superior Court*, 191 Cal. App. 4th 210 (2011); *EPIC v. California Dep't of Forestry and Fire Protection*, 190 Cal. App. 4th 217 (2010); *Bright v. 99 Cents Only Stores*, 189 Cal. App. 4th 1472 (2010); *Lazarin v. Superior Court*, 188 Cal. App. 4th 1560 (2010); *Sutter Health v.*

UNITE-HERE, 186 Cal. App. 4th 1193 (2010); **Gardner v. Schwarzenegger**, 178 Cal. App. 4th 1366 (2009); **In re Consumer Privacy Cases**, 175 Cal. App. 4th 545 (2009); **County of Sonoma v. Superior Court**, 173 Cal. App. 4th 322 (2009); **Aguiar v. Superior Court (Cintas Corp.)**, 170 Cal. App. 4th 313 (2009); **Project Vote v. Madison County Bd. of Elections**, 2008 WL 4445176 (Ohio Sept. 29, 2008); **Curley v. Lake County Bd. of Elections and Registration**, 896 N.E.2d 24 (Ind. App. 2008); **Amaral v. Cintas Corp. No. 2**, 163 Cal. App. 4th 1157 (2008); **Sharp v. Next Entertainment, Inc.**, 163 Cal. App. 4th 410 (2008); **State Building and Construction Trades Council v. Duncan**, 162 Cal. App. 4th 289 (2008); **Kashmiri v. Regents of the University of California**, 156 Cal. App. 4th 809 (2007); **Sheet Metal Workers Int'l Ass'n, Local Union No. 104 v. Rea**, 153 Cal. App. 4th 1071 (2007); **Aguiar v. Cintas Corp. No. 2**, 144 Cal. App. 4th 121 (2006); **The Hess Collection Winery v. California Agricultural Relations Bd.**, 140 Cal. App. 4th 1584 (2006); **So. California Edison Co. v. Public Utilities Comm'n**, 140 Cal. App. 4th 1085 (2006); **Du Charme v. IBEW, Local 45**, 110 Cal. App. 4th 107 (2003); **Svc. Employees Int'l Union v. Superior Court**, 89 Cal. App. 4th 1390 (2001); **Bell v. Farmers Ins. Exch.**, 87 Cal. App. 4th 805 (2001), later proceeding, 115 Cal. App. 4th 715 (2004), later proceeding, 135 Cal. App. 4th 1138 (2006), later proceeding, 137 Cal. App. 4th 835 (2006); **United Farm Workers v. Dutra Farms**, 83 Cal. App. 4th 1146 (2000); **Western Crop Protection Ass'n v. Davis**, 80 Cal. App. 4th 741 (2000); **Pulaski v. California Occupational Safety and Health Stds. Bd.**, 75 Cal. App. 4th 1315 (1999); **IBEW Local 595 v. Superior Court**, 54 Cal. App. 4th 1291 (1997); **IBEW v. Aubry**, 41 Cal. App. 4th 1632 (1996); **California Court Reporters Ass'n v. Judicial Council**, 39 Cal. App. 4th 15 (1995), later proceeding, 59 Cal. App. 4th 959 (1997); **L.A. County Court Reporters Ass'n v. Superior Court**, 31 Cal. App. 4th 403 (1995); **Smith v. Superior Court (Degnan)**, 31 Cal. App. 4th 205 (1994); **AFL-CIO v. Unemployment Ins. Appeals Bd.**, 23 Cal. App. 4th 51 (1994); **California Labor Fed'n v. California Safety and Health Stds. Bd.**, 5 Cal. App. 4th 985 (1991), later proceeding, 221 Cal. App. 3d 1547 (1990); **Jerabek v. Public Employment Relations Bd.**, 2 Cal. App. 4th 1298 (1991); **Zambrano v. Oakland Unified School Dist.**, 229 Cal. App. 3d 802 (1991); **Rust v. Vallejo**, 215 Cal. App. 3d 771 (1989); **AFL-CIO v. Deukmejian**, 212 Cal. App. 3d 425 (1989); **Wallace v. Consumers Cooperative, Inc.**, 170 Cal. App. 3d 836 (1985); **Filipino Accountants Ass'n, Inc. v. State Bd. of Accountancy**, 155 Cal. App. 3d 1023 (1984); **Brown v. Superior Court**, 137 Cal. App. 3d 778 (1982); **Serrano v. Priest**, 131 Cal. App. 3d 188 (1982); **AFL-CIO v. Employment Development Dep't**, 88 Cal. App. 3d 811 (1979).