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ELIZABETH VISSERS
FELLOW

August 5, 2021

Via Email:

West Contra Costa Unified School District Independent Redistricting Commission
c/o Derik Hilliard
derik.hilliard@wccusd.net

Re: Application of Altshuler Berzon LLP to serve as Legal Counsel

Members of the Independent Redistricting Commission:

I am pleased to submit this application to serve as Legal Counsel to the West Contra Costa Independent Redistricting Commission. I have reviewed the Scope of Services sought by the Commission and the Essential Knowledge and Abilities required for the position, and I am confident that my colleagues at Altshuler Berzon LLP and I are well-suited to serve as Legal Counsel to the Commission and, if selected, will help the Commission accomplish its purposes effectively and efficiently.

Scope of Work

I understand that the Commission has been established to create a new trustee map for the West Contra Costa Unified School District, and that the process of developing that map will require the Commission to gather relevant census and demographic data, work with a demographer to analyze that data, conduct eight or more public meetings to gather community input on the map creation process and any proposed map, ensure that any proposed map complies with the applicable legal requirements of California and federal law, and defend the final map should it be subject to a legal challenge. If selected as Legal Counsel to the Commission, Altshuler Berzon LLP will provide independent legal advice to the Commission and assist the Commission in setting meeting agendas and complying with the Brown Act as it undertakes its profoundly important work. Altshuler Berzon LLP will also serve as legal advisor to the Commission and its agents, advise the Commission and assist with meeting logistics,

ensure compliance with applicable legal requirements, and render legal advice as requested by the Commission. Finally, Altshuler Berzon LLP is prepared to serve as counsel for the Commission in defending any legal challenge to a final map adopted by the Commission.

With the exception of work relating to defense of the final map in any legal challenge, the majority of this work should be performed between now and Spring 2022, when the final map will be adopted for use in the 2022 Board elections.

Firm Description

Altshuler Berzon LLP is a San Francisco law firm dedicated to providing the highest quality representation in the service of economic justice and the public interest. Our attorneys represent clients including public entities, labor unions, workers, consumers, environmental groups, and other public interest organizations. We specialize in campaign and election, labor and employment, constitutional, environmental, civil rights, class action, and impact litigation, at both the trial and appellate levels, and our attorneys regularly appear before all levels of federal and state courts. We also provide advice and counseling, legislative drafting, representation in collective bargaining and negotiation, and other forms of legal assistance.

Altshuler Berzon LLP has earned a nationwide reputation for litigation excellence. Our lawyers have been awarded “California Lawyer Attorney of the Year” recognition for cases involving voting rights, employee rights, consumer rights, disability rights, criminal appeals, and false claims litigation. And our attorneys are routinely recognized for their expertise and success in many areas of law by publications including “Best Lawyers in America.” Clients and other lawyers turn to us to handle litigation involving important issues of first impression, particularly cases raising important constitutional and public policy issues.

Our office is located in downtown San Francisco, at the same 177 Post Street location where we began our law practice in 1978, when the firm was founded by two former legal services attorneys, Fred Altshuler and Stephen Berzon.

Altshuler Berzon LLP has extensive experience in voting and election law, including with the state and federal laws governing redistricting in California. The firm’s prior voting and election-related matters include, but are not limited to:

* ***Gomez v. City of Escondido***: Obtained a consent decree under the California Voting Rights Act 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.

* ***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.

* ***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.

* ***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.

* ***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.

* ***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 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.

* ***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.

A copy of Altshuler Berzon LLP's Firm Resume, including biographies of each of the firm's attorneys and a complete list of the firm's victories in the area of voting and election law, is attached hereto as **Exhibit A**.

Assigned Personnel and Experience

I (P. Casey Pitts) will serve as the overall lead for the engagement and primary service provider in the Legal Counsel role. I am a graduate of Yale Law School, and have been an attorney at Altshuler Berzon LLP since 2009 and a partner of the firm since 2017. Before joining Altshuler Berzon LLP, I served as a law clerk to Judge Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit. I was named a “Super Lawyer” in *San Francisco Magazine*’s 2021 “Northern California Super Lawyers” issue, and a “Rising Star” in that magazine’s 2016, 2017, 2018, and 2019 issues.

I have substantial experience litigating matters relating to voting rights and redistricting, including most notably by serving as counsel in the successful *Gomez v. City of Escondido* litigation brought under the California Voting Rights Act. I also have substantial experience representing public entities in matters involving complex questions of public policy. For example, I served as counsel for the City of Seattle in the *United States Chamber of Commerce v. City of Seattle* and *Clark v. City of Seattle* litigation, including successfully arguing the City’s position to the United States Court of Appeals for the Ninth Circuit in *Clark*, and I currently serve as counsel for the City of Seattle in the *Washington Food Industry Association v. City of Seattle* litigation pending before the Washington Supreme Court. Through my work representing public entities, as well as through my work on behalf of public employee labor unions including the Contra Costa County Defenders Association, I have become quite familiar with the legal requirements of the Ralph M. Brown Act, Political Reform Act, and Public Records Act. Given my extensive litigation experience representing both plaintiffs and defendants in state and federal court, I am well-prepared to serve as lead counsel in defending any final trustee map against any legal challenge that might be filed. I possess each of the other attributes that the Commission has identified as essential to the Legal Counsel role.

Two Altshuler Berzon LLP partners will assist me in providing legal representation to the Commission.

Connie K. Chan will assist me on issues relating to local government law, including on matters relating to the Brown Act, the Political Reform Act, and the Public Records Act. Ms. Chan gained substantial experience with these matters while serving as a Deputy City Attorney in the Los Angeles City Attorney’s Office from 2018 until 2020. Ms. Chan is a graduate of Yale Law School who clerked for Judge Michael Daly Hawkins of the United States Court of Appeal for the Ninth Circuit and Judge Lucy H. Koh of the United States District Court for the Northern District of California prior to joining Altshuler Berzon LLP.

Matthew Murray will assist me on issues relating to the state and federal laws governing redistricting. Mr. Murray has substantial experience litigating under the Voting Rights Act and providing legal advice regarding the California redistricting process. Mr. Murray is a graduate of Harvard Law School and the Harvard Kennedy School of Government who clerked for Chief Justice Margaret Marshall of the Massachusetts Supreme Judicial Court. He is a member of the Board of Directors of the American Civil Liberties Union of Northern California and of its Legal Committee, and a former student Regent of the University of California.

Detailed biographies of Ms. Chan, Mr. Murray, and myself are included in Exhibit A.

In addition to the three partners identified above, additional associate attorneys, partners, and litigation assistants or paralegals may provide discrete assistance with the representation from time to time.

ADDITIONAL INFORMATION

Altshuler Berzon LLP previously represented United Teachers of Richmond, CTA/NEA in the matter of *United Teachers of Richmond, CTA/NEA v. West Contra Costa County Unified School District et al.*, Contra Costa County Super. Ct. Case No. 09-1683. The issue presented in that lawsuit was whether certain District teacher assignment practices complied with Education Code §46118. I do not believe that Altshuler Berzon LLP's work on that matter creates any conflict with respect to the firm's representation of the Independent Redistricting Commission as Legal Counsel. As noted in the attached Form Contract, Altshuler Berzon LLP will ask, as a condition of our retention by the Commission, that the District agree to waive any future conflict with respect to matters not involving the work of the Independent Redistricting Commission or the final map adopted by the Commission.

No one at Altshuler Berzon LLP assigned to provide services to the Commission would be disqualified pursuant to Elections Code §23003.

FEES

Consistent with its standard practice in representing public entity clients, Altshuler Berzon LLP would charge the Commission an hourly rate for all work undertaken as Legal Counsel to the Commission. Based on the public interest nature of the Commission's work, Altshuler Berzon LLP would use hourly rates that are comparable to the rates charged to other public entities and that are substantially discounted from the rates that the firm charges its commercial clients. Altshuler Berzon LLP would charge the following rates:

Partners:	\$500/hour
Associates:	\$375/hour
Law Clerks, Paralegals, and Litigation Assistants:	\$200/hour

It is not possible to provide a precise estimate of the total fees or expected range of total fees that would be incurred in connection with the representation, given that the scope of the representation is unclear at this time. A rough estimate of the time that might be expended in providing legal representation with respect to the development and approval of the final trustee map, as set forth above in the Scope of Work (and subject to modification should circumstances change and require additional time), would be:

Partners: 75-150 hours / \$37,500-\$75,000 in fees

Associates: 30-60 hours / \$11,250-\$18,000 in fees

Other Legal Professionals: 10-20 hours / \$2,000-\$4,000 in fees

Total: \$50,750-\$97,000 in fees

This estimate does not include work by Altshuler Berzon LLP relating to the defense of any legal challenge to a final map adopted by the Commission. Such an estimate cannot be provided without knowing the nature of the challenge or the forum in which the challenge has been brought.

Based on the rough estimate above, Altshuler Berzon LLP proposes that we bill on an hourly basis, but that we include an initial \$75,000 cap on fees, with the understanding that this cap will be modified as necessary should Altshuler Berzon LLP reasonably incur additional fees in serving as Legal Counsel to the Commission.

Altshuler Berzon LLP will bill the Commission for out-of-pocket expenses incurred by the firm. Expenses to be included in our monthly bills include but are not limited to messenger services, photocopying and printing at \$0.20 per page, secretarial overtime when necessary, computer research fees, filing fees, travel and lodging expenses, expert fees, investigation fees, process server fees, arbitrator and/or mediator fees and transcript costs. Altshuler Berzon LLP proposes an initial \$5,000 cap on such out-of-pocket expenses, with the understanding that this cap will be modified as necessary should Altshuler Berzon LLP reasonably incur additional out-of-pocket expenses in serving as Legal Counsel to the Commission.

FORM CONTRACT

A proposed retainer agreement is attached hereto as **Exhibit B**.

Regards,



P. Casey Pitts

Exhibit A

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SPECIAL COUNSEL

PETER D. NUSSBAUM
PARTNER EMERITUS

ELIZABETH VISSERS
FELLOW

April 2021

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:

- * *Castellanos v. State of California*: Constitutional challenge to overturn Proposition 22, the November 2020 ballot measure that purported to exempt from California's labor and employment protections drivers who work for transportation and delivery companies like Uber, Lyft, DoorDash, and Instacart.
- * *Ries v. McDonald's USA LLC; Fairley v. McDonald's Corp.*: Class action seeking to hold McDonald's responsible for failing to protect employees from sexual harassment, including at all 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.
- * *Hernandez v. VES McDonald's; Ruiz v. McDonald's Restaurants of California, Inc.*: State court lawsuits on behalf of McDonald's employees brought to compel their employer to comply with COVID-19 health and safety measures and to remedy retaliation against an employee who was discharged for reporting and protesting unsafe working conditions relating to COVID-19.
- * *Ellis v. Google, Inc.*: Class action under the California Equal Pay Act alleging that Google pays women employees less than it pays men with similar qualifications performing similar work.

* ***Oosthuizen v. Bank of America***: Appointed co-lead counsel in California class action on behalf of tens of thousands of unemployment insurance benefits claimants who allege that their access to benefits was wrongfully frozen due to the bank's mismanagement of their accounts.

* ***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.

* ***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.

* ***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 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.

* ***California v. Azar***: Defense on appeal of 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.

* ***Pacific Coast Federation of Fishermen's Ass'ns v. Ross***: 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.

* ***Center for Popular Democracy v. Board of Governors of the Federal Reserve System***: FOIA lawsuit seeking to compel disclosure of public records concerning the selection and appointment of presidents and directors of the regional Federal Reserve Banks.

- * ***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.
- * ***Bunn v. Nike, Inc.***: Class action challenge on behalf of California consumers who are deaf or hard-of-hearing to Nike’s refusal to accommodate their disabilities by making clear-plastic insert facemasks available to sales personnel to use in communicating with class members.
- * ***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.
- * ***Hutcheson v. Superior Court***: California writ petition challenging trial court’s ruling that Private Attorney General Act claims of substituted plaintiff may not, as a matter of law, relate back to original plaintiffs’ PAGA claims.
- * ***Kim v. Tinder, Inc.***: Ninth Circuit challenge to approval of consumer class action “reverse-auction” settlement that provided minimal benefits to class members.
- * ***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.
- * ***California Trucking Ass’n v. Becerra; People of the State of California v. Superior Court (Cal Cartage Transportation Express LLC)***: Representation of the Teamsters International as an intervenor in the federal district and appellate courts, and as an amicus in the California Supreme Court, in support of California’s use of the “ABC test” under AB 5 to prevent misclassification of truck driver employees as contractors, against the trucking company’s position that that test is preempted by the Federal Aviation Administration Authorization Act.
- * ***Daly v. Board of Supervisors of San Bernardino County***: Defense before the California Supreme Court of a writ setting aside a county Board of Supervisors’ use of a secret e-mailed ballot procedure to select candidates to interview for a vacant supervisor position, in violation of California’s Brown Act.
- * ***Ibarra v. Wells Fargo Bank***: California class action on behalf of bank employees challenging bank’s methodology for calculating one-hour wage premiums for violations of California rest-break law, which resulted in underpayments of nearly \$100 million.
- * ***In re ExxonMobile Corp***: Defense of California cities and counties in Texas trial and appellate courts for alleged conspiracy to interfere with an oil and gas company’s speech about the causes and effects of climate change.
- * ***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.

- * ***Berman v. Microchip; Shuman v. Microchip***: ERISA class actions in the Ninth Circuit and district court against a company that terminated its predecessor’s workforce after a corporate merger and refused to pay them benefits under the predecessor’s ERISA severance plan.
- * ***Faulkner v. Dominguez***: Defense of a union representing airline ramp, operations, provisions and freight agents in a federal court action for breach of contract.
- * ***American Airlines Flow-Thru Pilots Coalition v. Allied Pilots Ass’n***: Defense of a labor union sued for the positions it took in collective bargaining negotiations and in a seniority integration arbitration.
- * ***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***: State court challenge to the State of Alaska’s attempt to unilaterally terminate state employees’ union dues deductions and to require state employee union members to annually renew their dues deduction authorizations after receiving a government “warning” that doing so would involve waiving their rights.
- * ***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***: Federal Court of Appeal petition seeking to overturn an NLRB decision that an employer lawfully fired janitors who protested sexual harassment and low wages, as based on an overly broad construction of the NLRA’s secondary boycott prohibition.
- * ***Zoller v. CGA Advisors***: Ninth Circuit appeal defending the continued validity of 1990’s decisions holding that the Civil Rights Act amendments of 1991 require employers to expressly inform their employees that a proposed pre-dispute arbitration agreement is intended to encompass federal and state civil rights claims.
- * ***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.

* ***Barke v. Banks***: Defense on appeal of a district court’s dismissal of a First Amendment challenge to a state statute that prohibits public employers in California from deterring or discouraging union membership by public employees.

* ***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.

* ***San Bernardino/Riverside Counties Building and Construction Trades Council v. Imperial Irrigation Dist.***: Writ of mandate action to prevent irrigation district from nullifying two project labor agreements it previously approved, following a change in the membership of the district’s board of directors.

* ***Alliance for College-Ready Public Schools Inc. v. United Teachers Los Angeles***: Defense on appeal of a 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.

* ***Aliser v. SEIU California; Anderson v. SEIU 503; Babb v. California Teachers Ass’n; Wilford v. Nat’l Educ. Ass’n; Martin v. California Teachers Ass’n; Few v. United Teachers Los Angeles; Belgau v. Inslee; Brice v. California Faculty Ass’n; Carey v. Inslee; Chambers/Masuo v. AFSCME; Cook v. Brown; Crockett v. NEA-Alaska; Few v. United Teachers Los Angeles; Grossman v. Hawaii Gov’t Employees Ass’n; Hamidi v. SEIU Local 1000; Hendrickson v. AFSCME Council 18; Hoekman v. Educ. Minnesota; Hough v. SEIU Local 521; LaSpina v. SEIU PA State Council; Mandel v. SEIU Local 73; Martin v. California Teachers Ass’n; Matthews v. United Teachers Los Angeles; Polk v. SEIU Local 2015; Thompson v. Marietta Educ. Ass’n; Wilford v. Nat’l Educ. Ass’n 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.

* ***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.

* ***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.
- * ***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.
- * ***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.

* ***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.

* ***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.

* ***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.

* ***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. School***: 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 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 a settlement of an unfair labor practice charge 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, and reinstate and make whole a defined benefit pension plan that the employer had terminated.

* ***Ibarra v. Wells Fargo Bank***: Successfully defended on appeal a District Court order requiring a bank to pay its employees a wage premium penalty for all violations of California's rest break requirement.

* ***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.

* ***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.

* ***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 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***: 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 International 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.

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.

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.

* ***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; 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.

* ***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.

- * ***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.

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.

- * ***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.

- * ***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.

- * ***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 against the plaintiff for bringing the lawsuit.

ALTSHULER BERZON LLP'S ATTORNEYS

Fred H. Altshuler, who retired in 2010, is a founding partner of Altshuler Berzon LLP. He is a graduate of Stanford University and the University of Chicago Law School, where he was Articles Editor of the University of Chicago Law Review. He served as a law clerk to Judge John C. Godbold of the United States Court of Appeals for the Fifth Circuit. From 1969 to 1973, he was a Directing Attorney for California Rural Legal Assistance, and from 1975 to 1978, he practiced with the San Francisco law firm of Howard, Prim, Rice, Nemerovski, Canady & Pollak. During the Watergate controversy in 1974, he was Counsel to the Impeachment Inquiry staff of the U.S. House of Representatives Judiciary Committee. He is a Life Fellow of the American Bar Foundation, has been on the Boards of Directors of the Bar Association of San Francisco, the Lawyers Club of San Francisco, the CORO Foundation, and California Rural Legal Assistance, and is Co-Chair of the Bar Association of San Francisco's Amicus Curiae Committee. He has also served on the boards of the New Israel Fund (San Francisco Region), Public Advocates and the Planning Association for the Richmond. He was a delegate at the 1996 Democratic National Convention, and in 2004 he was California State Counsel for the Kerry/Edwards Campaign.

James Baltzer is an associate at Altshuler Berzon LLP. He is a graduate of Stanford Law school, where he was a student in the Supreme Court Litigation Clinic, a Public Interest Fellow, and a participant in the Legal Studies Workshop. He served as a law clerk to Judge Marsha S Berzon of the United States Court of Appeals for the Ninth Circuit.

Stephen P. Berzon is a founding partner of Altshuler Berzon LLP and currently serves as Special Counsel to the firm. He is a graduate of Cornell University and Harvard Law School. He served as a law clerk for Judge Alvin B. Rubin of the United States District Court for the Eastern District of Louisiana. He has practiced both at the trial and appellate levels and has argued groundbreaking cases benefiting workers, their unions, and the environment before the United States Supreme Court, the California and Hawaii Supreme Courts, and federal circuit and district courts throughout the country. He has testified before U.S. Senate and House Committees and California Senate and Assembly Committees, and has helped develop key legislation involving civil rights, education, unemployment insurance, environmental protection, food safety, at-risk children, union organizing, and injunctions in labor disputes. Stephen has been a member of the Ninth Circuit's Advisory Committee on Rules and Internal Operating Procedures, the national Board of Directors of the American Constitutional Society, and the Board of Directors of the national AFL-CIO Lawyers Coordinating Committee. He is currently on the Executive Committee of the Northern District of California Chapter of the Federal Bar Association and is a Fellow of the American Bar Foundation. He is a member of the Advisory

Group of the Clean Slate Project of the Harvard Law School Labor and Worklife Program. Stephen previously practiced with both the Contra Costa Legal Services Foundation and the National Housing and Economic Development Law Project of the University of California, Berkeley Law School as a Reginald Heber Smith Fellow, and with the Legal Aid Society of Alameda County. Stephen also served as the Legal Director of the Children's Defense Fund, a public interest organization in Washington, D.C., before returning to California in 1977 to start Altshuler Berzon. Stephen has also served as Chair of the City of Berkeley Police Review Commission, and as a member of the Board of Directors of the Urban Strategies Council. Stephen received the Voting Rights Award from the ACLU of Southern California in 2002 for his work on voting rights litigation. In 2009, he was named a California Lawyer of the Year by California Lawyer Magazine in the area of Civil Rights, and in 2012, he received the Social Justice Service Award from Santa Clara Law School. He is listed in The Best Lawyers in America for labor and employment law, has been listed since 2004 in San Francisco Magazine's Northern California Super Lawyers in the appellate practice area, and in 2020 was listed as one of Lawdragon Magazine's 500 leading plaintiff employment lawyers. Stephen delivered the 2014-2015 Preiskel-Silverman Lecture at Yale Law School, entitled "Fixing Wealth Inequality: How Lawyers Can Be Part of the Solution." In 2020, Steve was honored with the Peggy Browning Award, recognizing his long service to the labor movement.

Hamilton Candee is a partner at Altshuler Berzon LLP. He is a graduate of Princeton University and New York University Law School, where he was a Root-Tilden Scholar. He served as a law clerk to Judge Thelton E. Henderson of the United States District Court for the Northern District of California, and as a legislative assistant in the United States Senate. He was formerly a Senior Attorney in the San Francisco Office of the Natural Resources Defense Council and Co-Director of NRDC's Western Water Project. He has been involved in a variety of efforts to restore ecosystems, protect endangered species, encourage water conservation, and promote other environmental reforms in federal and state water policy. He received a CLAY Award as one of California's "Lawyers of the Year" in 1999 for his work pursuing restoration of the San Joaquin River, the Bay Institute's Carla Bard Bay Education award in 2008, and the Central Valley Joint Venture Conservation Award in 2015. He is a member of the Board of Trustees of the NRDC Action Fund.

Eve H. Cervantez is a partner at Altshuler Berzon LLP, where she specializes in representing workers in employment discrimination and wage and hour class action lawsuits. She is a graduate of Washington University and Harvard Law School, where she was an editor of the Harvard Law Review. She served as a law clerk to Judge Charles A. Legge of the United States District Court for the Northern District of California. Eve is currently on the Senior Editorial Board of The Fair Labor Standards Act and is a chapter author and contributor to Employment Discrimination Law (Supplement) and Wage and Hour Laws, a State-by-State Survey. She also lectures regularly on wage and hour, employment discrimination, and class action law. Eve is proud to serve on the Litigation Committee and Luncheon Committee for Equal Rights Advocates. Eve previously worked as a staff attorney at the Prison Law Office representing inmates challenging unconstitutional conditions of confinement and was a partner at Loeff, Cabraser, Heimann & Bernstein, LLP, where she represented plaintiffs in class action employment and consumer lawsuits. She was an editor of the Harvard Law Review. Eve has been selected to Northern California Super Lawyers every year since 2010, has been named one of the Top 50 Women Lawyers in Northern California, is a "Leading Lawyer" listed in The Legal 500 United States, and has been listed as one of Lawdragon Magazine's 500 leading

plaintiff employment lawyers from 2018-20. In 2019, she was named a “California Lawyer of the Year” in Data Breach and Privacy Litigation by California Lawyer Magazine for her work as co-lead counsel in the Anthem data breach case.

Connie K. Chan is a partner at Altshuler Berzon LLP. She is a graduate of Yale College and Yale Law School, where she was a co-director of the Rebellious Lawyering Conference and a student director of the Immigration Legal Services clinic. She served as a law clerk to Judge Michael Daly Hawkins of the United States Court of Appeals for the Ninth Circuit and to Judge Lucy H. Koh of the United States District Court for the Northern District of California. In 2017, Connie was named a “California Lawyer of the Year” in Worker Health and Safety for her work on *Kilby v. CVS* in the California Supreme Court establishing workers’ right to “suitable seating” under California’s wage orders. Connie has served as a councilmember on the California Fair Employment and Housing Council and as a deputy city attorney in the Affirmative Litigation Division of the Los Angeles City Attorney’s Office.

Barbara J. (“B.J.”) Chisholm is the managing partner at Altshuler Berzon LLP. She is a graduate of Swarthmore College and Howard University School of Law, where she was the Submissions and Symposium Editor of the Howard Law Journal. She served as a law clerk to Judge Emmet G. Sullivan of the United States District Court for the District of Columbia. B.J. is currently a member of the Board of Directors of the AFL-CIO Union Lawyers Alliance, a member of the Board of Governors of Public Advocates, and a member of the Bar Association of San Francisco’s Labor and Employment Committee. She previously served on the Executive Committee of the Labor and Employment Section of the California State Bar, on the Board of the Bay Area Lawyer Chapter of the American Constitution Society, as Chair of the Board of Directors of Pacific Environment, and on the Board of Directors of the AIDS Legal Referral Panel. Prior to attending law school, she worked in the Russian Far East for five years, where she was the founder and director of the Russian Far East branch of ISAR, an organization working on environmental and human rights issues. B.J. was named a “California Lawyer of the Year” by California Lawyer Magazine in 2013 for her work in an Ohio voting rights case. She has been selected to Northern California Super Lawyers from 2014-20, has been named a Labor and Employment Star by Benchmark Litigation, and was listed as one of Lawdragon Magazine’s 500 leading plaintiff employment lawyers from 2018-20.

Jeffrey B. Demain is a partner at Altshuler Berzon LLP. He is a graduate of Brandeis University (B.A.), where he was summa cum laude and a Louis D. Brandeis Scholar, the University of California, Irvine (M.A.), where he was a National Science Foundation Fellow, and the law school at UC Berkeley, where he was a member of the Industrial Relations Law Journal. He served as a law clerk to Chief Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit. From 1992 through 1999, he was a contributing editor of *Construction Organizing – An Organizing and Contract Enforcement Guide*, published by the George Meany Center for Labor Studies, Inc. From 1999 through 2002, he was a member of the Executive Committee of the Labor and Employment Section of the California State Bar. He is the author of “Recent Developments in Fair Share Fee Law,” *California Public Employee Relations Journal* No. 167 (August 2004). He has been listed in “The Best Lawyers in America” since 2006, in “Northern California Superlawyers” since 2009, for labor and employment law, and in the “Lawdragon 500 Leading Plaintiff Employment Lawyers” for 2019 and 2020. He also lectures regularly on developments in labor and employment law.

James M. Finberg is a partner at Altshuler Berzon LLP. He is a graduate of Brown University and the University of Chicago Law School, where he was Executive Editor of the University of Chicago Law Review. He served as a law clerk to Justice Charles Levin of the Michigan Supreme Court. He is currently Secretary of the Board of Directors of the Legal Aid at Work (formerly known as the Legal Aid Society- Employment Law Center of San Francisco) and a fellow of the American College of Labor and Employment Lawyers and of the American Bar Foundation. He was a member of the boards of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area until June 2018 and the U.C. Hastings WorkLife Law Center until December 2017. He is the author, or co-author, of numerous articles and book chapters on various topics of discrimination and wage/hour law and the use and trial of class and collective actions. From 1992 through 2006, he was a partner at Lieff, Cabraser, Heimann & Bernstein, LLP. In 2005, he served as President of the Bar Association of San Francisco. From 2000 through 2001, he served as Co-Chair of the delegation of lawyer representatives from the Northern District of California to the Ninth Circuit Judicial Conference. He served as the Co-Chair of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area from 1997 to 1998 and 2009 to 2010 and he served on the Board of Directors of the National Employment Lawyers Association from 2011-13. From 2010 to 2013, he served on the Board of Visitors of the University of Chicago Law School. In 2008, he was an adjunct professor of law at the University of California Hastings College of the Law, where he taught Employment Discrimination law. He was Executive Editor of the University of Chicago Law Review. Since 2005, Jim has been listed in "The Best Lawyers in America" for labor and employment law, and since 2018 for Class Actions. Jim was named by the California Daily Journal as one of the Top Labor and Employment Lawyers for 2018. He was named The Best Lawyers 2014 Labor and Employment "Lawyer of the Year" in San Francisco. He has been listed as a "Northern California Super Lawyer" since 2004, in the "Lawdragon 500 Leading Plaintiff Employment Lawyers" for 2019 and 2020, and as one of the top 100 Super Lawyers in Northern California from 2005-13. In 2009, he was named a "California Lawyer of the Year" in the field of Civil Rights by California Lawyer Magazine, and in 2020 was named by Legal 500 to its "Hall of Fame" for Plaintiff Labor and Employment Lawyers.

Eileen B. Goldsmith is a partner at Altshuler Berzon LLP. She is a graduate of Brown University and Yale Law School, where she was a Notes Editor for the Yale Law Journal. She served as a law clerk to Judge Marsha S. Berzon of the United States Court of Appeals for the Ninth Circuit. She currently serves on the Amicus Curiae Committee of the California Employment Lawyers Association (CELA). She served on the Board of Directors of the national AFL-CIO Lawyers Coordinating Committee from 2016-2019 and on the Executive Committee of the Labor & Employment Section of the State Bar of California from 2012-2017. She was listed as a "Northern California Rising Star" in San Francisco Magazine's 2011 "Super Lawyers" issue.

Corrine Johnson is an associate at Altshuler Berzon LLP. She is a graduate of the Colorado School of Mines and Stanford Law School. She served as a law clerk to Judge David M. Ebel on the United States Court of Appeals for the Tenth Circuit and Judge James L. Robart on the United States District Court for the Western District of Washington.

Scott A. Kronland is partner at Altshuler Berzon LLP. He is a graduate of Cornell University, where he was Editor-In-Chief of The Cornell Daily Sun, and the UC Berkeley School of Law, where he was elected to the Order of the Coif and was a member of the California Law

Review. He served as a law clerk to Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit. He is the former Chair of the Executive Committee of the Labor and Employment Law Section of the Bar Association of San Francisco, and he served as an Appellate Representative to the Ninth Circuit Judicial Conference. He is listed in the 2021 Edition of Best Lawyers in America for Civil Rights Law, in the 2021 edition of Super Lawyers magazine for Employment and Labor Law, and in the 2020 Lawdragon 500 Leading Plaintiff Employment Lawyers guide for Class Actions and Employee Rights.

Andrew Kushner is an associate at Altshuler Berzon LLP. He is a graduate of Pomona College and the Stanford Law School, where he was Submissions Editor of the Stanford Journal of Criminal Law and Policy. He served as a law clerk to Justice Mariano-Florentino Cuéllar of the Supreme Court of California, and Judge Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit.

Danielle E. Leonard is a partner at Altshuler Berzon LLP. She is a graduate of Harvard and Radcliffe Colleges and Harvard Law School. She served as a law clerk to Judge Emmet G. Sullivan of the United States District Court for the District of Columbia and was a trial attorney in the Honors Program of the United States Department of Justice, Civil Rights Division, Voting Rights Section prior to joining the firm. Danielle is currently a member of the Board of Directors of the Peggy Browning Fund. Danielle has served on the Executive Committee of the Litigation Section of the Bar Association of San Francisco and as the co-chair of the Employment Subcommittee of the Class Actions and Derivative Suits Committee of Litigation Section of the American Bar Association. In 2013, Danielle was awarded two “California Lawyer of the Year” (CLAY) awards from California Lawyer Magazine in two separate categories: in Voting Rights, for her work representing Ohio voters who successfully challenged the unconstitutional rejection of provisional ballots in *SEIU Local 1, et al., v. Husted*, and *Northeast Ohio Coalition for the Homeless and SEIU District 1199 v. Husted*, and in Education Law, for representing a class of students who won a \$39 million judgment challenging excessive fee charges by the University of California in *Luquetta v. Regents of the University of California*. Danielle was also named a “Rising Star” in the 2012-15 Northern California Super Lawyers listings, a “Super Lawyer” in the 2016-20 listings, and selected as a 2013 Benchmark Plaintiff Top 150 Women in Litigation and 2014 Benchmark Plaintiff Local Litigation Star.

Stacey M. Leyton is a partner at Altshuler Berzon LLP. She is a graduate of Stanford University and Stanford Law School, where she was a Symposium Editor of the Stanford Law Review and active in the Public Interest Law Student Association. She served as a law clerk to Justice Stephen Breyer of the United States Supreme Court, Judge Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit, and Judge Susan Illston of the United States District Court for the Northern District of California. She served as an Appellate Representative to the Ninth Circuit Judicial Conference from 2010 until 2013, and as a Lawyer Representative to the Northern District of California from 2015 to 2018. She has spoken and published articles on a variety of legal topics including recent Supreme Court decisions, antitrust law, legal issues associated with gig worker organizing, health care reform, federal labor and ERISA preemption, and legal issues arising from workers’ use of e-mail and other technologies. She served on the Board of Directors of the Public Interest Clearinghouse (now OneJustice) from 2002 to 2009 and is currently a volunteer with the Legal Aid at Work’s Workers’ Rights Clinic. In 2011, she was named a “California Lawyer of the Year” by California Lawyer Magazine for her work in a case challenging cutbacks to the California program providing in-home care to

Medicaid recipients. She has been selected to the Northern California Super Lawyers each year since 2013, and to Benchmark Plaintiff California Local Litigation Stars and Benchmark Plaintiff Top Women in Litigation on numerous occasions.

Amanda Lynch is an associate at Altshuler Berzon LLP. She is a graduate of Harvard College and Yale Law School, where she was a Comments Editor for the Yale Law Journal and a student director of the Media Freedom and Information Access Clinic. She served as a law clerk to Judge Marsha S. Berzon of the United States Court of Appeals for the Ninth Circuit and Judge Vince G. Chhabria of the United States District Court for the Northern District of California.

Matthew J. Murray is a partner at Altshuler Berzon LLP. He is a graduate of the University of California, Berkeley and Harvard Law School, where he was Student Writing Article Editor of the Harvard Law and Policy Review. He also received a Master in Public Policy degree from the Harvard University Kennedy School of Government. He served as a law clerk to Chief Justice Margaret Marshall of the Massachusetts Supreme Judicial Court. He was a Coro Fellow and was the student Regent of the University of California. Matthew is a member of the Board of Directors and of the Legal Committee of the American Civil Liberties Union of Northern California. He was a contributor to the ABA Section of Labor and Employment Law's *The Fair Labor Standards Act*, 2nd Edition, 2012, 2015, 2016, and 2017 Cumulative Supplements. He was listed in the 2020 Lawdragon 500 Leading Plaintiff Employment Lawyers guide and was named a "Rising Star" in the 2013-14 and 2017-20 Northern California Super Lawyers listings in *San Francisco Magazine*.

Peter D. Nussbaum, who retired in 2015, was a partner at Altshuler Berzon LLP. He is a graduate of Cornell University and Harvard Law School, where he was Articles Editor of the Harvard Law Review. He served as law clerk to Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit and was a Fulbright Scholar at the London School of Economics. Prior to entering private practice in 1974, he worked for various legal services programs, including the Center for Social Welfare, Policy and Law at Columbia University Law School. He has served as a lawyer representative and Executive Committee Member of the Ninth Circuit Judicial Conference and is a member of the ABA Committee on Practice and Procedure under the NLRA. He has served as chair of the Democratic Party of Contra Costa County and as a member of the Democratic Party's State Executive Committee. He has been listed in "The Best Lawyers in America" for labor and employment law. He has also been designated as a Northern California "Super Lawyer." He is a Fellow of the College of Labor and Employment Lawyers and he has lectured frequently on labor topics for the American Bar Association, the Practicing Law Institute and other organizations. In 2016, Peter was honored with the Peggy Browning Award, recognizing his long service to the labor movement.

Bronwen Beseda O'Herin is an associate at Altshuler Berzon LLP. She is a graduate of Harvard College and New York University School of Law, where she was elected to Order of the Coif and was an Online Editor of the NYU Law Review. She served as a law clerk to Chief Justice Joel H. Bolger on the Alaska Supreme Court and Judge George Z. Singal on the United States District Court for the District of Maine.

Zoe Palitz is a partner at Altshuler Berzon LLP. She is a graduate of Yale College and Stanford Law School. She served as a law clerk to Judge Marsha S. Berzon of the United States Court of Appeals for the Ninth Circuit and to Judge Margaret M. Morrow of the United States

District Court for the Central District of California. Prior to joining Altshuler Berzon LLP, Zoe worked at Bredhoff & Kaiser, PLLC in Washington, D.C., where she specialized in labor law, ERISA, and bankruptcy. Zoe serves as an advisor to the Executive Committee of the Labor & Employment Law Section of the California Lawyers Association (formerly the State Bar Association).

P. Casey Pitts is a partner at Altshuler Berzon LLP. He is a graduate of Yale College and Yale Law School, where he was a director of the Rebellious Lawyering Conference, managing editor of the Yale Journal of Law and Feminism, and a senior editor of the Yale Law Journal. He served as a law clerk to Judge Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit, and he currently serves as an Appellate Representative to the Ninth Circuit Judicial Conference and as a member of the amicus and judiciary committees of BALIF, the San Francisco Bay Area's LGBT bar association. He was named a "Super Lawyer" in Employment and Labor in the 2021 Northern California Super Lawyers listings and a "Rising Star" in the 2016-19 listings.

Daniel T. Purtell is a partner at Altshuler Berzon LLP. He is a graduate of Stanford University and Stanford Law School. He served as a law clerk to Judge Harry Pregerson of the United States Court of Appeals for the Ninth Circuit. He is a contributing editor of *The Developing Labor Law*, and was a member of the Editorial Board of *Bender's California Labor & Employment Bulletin* from 2002 to 2005. He also lectures frequently on issues of labor and employment law, particularly regarding ethical issues that arise in representing individuals and labor unions.

Michael Rubin is a partner at Altshuler Berzon LLP. He is a graduate of Brandeis University and the Georgetown University Law Center, where he was an editor of the *Georgetown Law Journal*. He served as a law clerk to Justice William J. Brennan, Jr. of the United States Supreme Court during the 1980 Supreme Court Term, and had previously clerked for Chief Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit and Judge Charles B. Renfrew of the United States District Court for the Northern District of California. Michael is a fellow of The College of Labor and Employment Lawyers and is a former member of the Board of Directors of the AFL-CIO's Lawyers' Coordinating Committee. Michael has won an unprecedented seven "California Lawyer of the Year" (CLAY) awards from *California Lawyer Magazine/The Daily Journal*, winning four times in the Labor & Employment Law category (in 2019 for his work in the California Supreme Court on the *Dynamex* independent-contractor misclassification case; in 2016 for his trial and appellate work in the Walmart warehouse joint-employer class action; in 2013 for his California Supreme Court work on the *Brinker* meal-period and rest-break case; and in 2002 for his trial work on the Saipan sweatshop litigation), once in the Worker Health and Safety category (in 2017 for his work on *Kilby v. CVS* in the California Supreme Court establishing the obligation of California employers to provide "suitable seating" to workers at fixed workstations) once in the False Claims Act Litigation category (in 2010 for his work resulting in a \$78 million settlement of fraud claims against the for-profit University of Phoenix), and once in the Criminal Law category (also in 2010, based on more than a quarter century of work in the state and federal trial and appellate courts for a death penalty inmate that resulted in his client's unconditional release from prison in 2010 – a case that also resulted in Michael receiving the "Johnnie Cochran" award from the Criminal Courts Bar Association). Michael was also a 2003 recipient of a "Trial Lawyer of the Year" Award from the Trial Lawyers for Public Justice, for his work on the Saipan litigation,

was American Lawyer Magazine’s “Litigator of the Week” in May 2013 for his work on behalf of five professional sports unions in the *Hart v. Electronic Arts* right-of-publicity case in the Third Circuit, and has been named by the California Daily Journal each year since 2016 as one of California’s Top 75 Labor and Employment Lawyers and Top 100 Lawyers. In 2017, Michael was honored with the San Francisco Anti-Defamation League’s “Distinguished Jurisprudence” award. Michael specializes in impact litigation, class actions, and appellate litigation, and has argued in the U.S. Supreme Court and in many federal circuit courts of appeal and state supreme courts. For the past several years, he has been listed in “The Best Lawyers in America” in the categories of appellate law and labor and employment law, and since 2005 in the Northern California “Super Lawyers” listings in the areas of appellate practice, labor and employment, and class actions. He regularly lectures on developments in California and federal employment law and other topics, and has testified before committees of the United States Senate and House of Representatives on labor and employment issues.

Elizabeth Vissers is the Altshuler Berzon LLP-NRDC Joint Fellow. She is a graduate of the University of California, Berkeley and Stanford Law School, where she was Managing Editor of the Stanford Environmental Law Journal and an Articles Editor for the Stanford Law Review. She also received a Master of Science in Environment and Resources from Stanford University. She served as a law clerk to Judge A. Wallace Tashima of the United States Court of Appeals for the Ninth Circuit and Judge David O. Carter of the United States District Court for the Central District of California.

Stefanie Wilson is an associate at Altshuler Berzon LLP. She is a graduate of Harvard College and the University of California, Irvine School of Law. She served as a law clerk to Judge Harry T. Edwards of the United States Court of Appeals for the District of Columbia Circuit. Prior to joining Altshuler Berzon, she was an attorney for the Animal Legal Defense Fund and for Mercy For Animals.

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: *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); *Breiner 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: *Berman v. Microchip Technology, Inc.*, 2021 WL 796510 (9th Cir. Mar. 2, 2021); *Bayer v. Neiman Marcus Group, Inc.*, ___ Fed. Appx. ___, 2021 WL 248384 (9th Cir. Jan. 26, 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. Appx. 586 (9th Cir. 2019); *Fisk v. Inslee*, 2019 WL 141253, 759 Fed.Appx. 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. Appx. 582 (9th Cir. 2018); *Casumpang v. Hawaii Comm. and Sugar Co.*, 712 Fed. Appx. 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. Appx. 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. Appx. 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. Appx. 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. Appx. 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. Appx. 761 (9th Cir. 2009); *Glass v. UBS Financial Svcs. Inc.*, 331 Fed. Appx. 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. Appx. 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. Appx. 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 Svc. Contractors v. Dist. of Columbia*, 54 F.3d 811 (D.C. Cir. 1995); *Legalization Assistance Project v. INS*, 50 F.3d 789 (9th Cir. 1995); *Maui Trucking v. Gen. Contractors Labor Ass'n*, 37 F.3d 436 (9th Cir. 1994); *Electromation, Inc. v. NLRB*, 35 F.3d 1148 (7th Cir. 1993); *Cannon v. Edgar*, 33 F.3d 880 (7th Cir. 1994); *USS-POSCO Industries v. Contra Costa Building & Construction Trades Council*, 31 F.3d 800 (9th Cir. 1994); *Wedges/Ledges, Inc. v. City of Phoenix*, 24 F.3d 56 (9th Cir. 1994); *Combined Mgt. Inc. v. Superintendent of Ins.*, 22 F.3d 1 (1st Cir. 1994); *Employee Staffing Svcs., Inc. v. Aubry*, 20 F.3d 1038 (9th Cir. 1994); *Perales v. Thornburgh*, 4 F.3d 99 (2d Cir. 1992); *American Dental Ass'n v. Martin*, 984 F.2d 823 (7th Cir. 1993); *United Ass'n of Journeymen v. Barr*, 981 F.2d 1269 (D.C. Cir. 1992), *vacating* 768 F. Supp. 375 (D.D.C. 1991); *Les v. Reilly*, 968 F.2d 985 (9th Cir. 1992); *Shelby County Health Care Corp. v. AFSCME Local 1733*, 967 F.2d 1091 (6th Cir. 1992); *Electrical Jt. Apprenticeship Comm. v. MacDonald*, 949 F.2d 270 (9th Cir. 1991); *Kidwell v. Transportation Communication Int'l Union*, 946 F.2d 283 (4th Cir. 1991); *IBEW v. Eichleay Corp.*, 944 F.2d 1047 (3rd Cir. 1991); *Colorado-Ute Electrical Ass'n v. NLRB*, 939 F.2d 1392 (10th Cir. 1991); *California Rural Legal Assistance v. Legal Service Corp.*, 937 F.2d 465, 917 F.2d 1171 (9th Cir. 1991); *Toledo Typographical Union No. 63 v. NLRB*, 907 F.2d 1220 (D.C. Cir. 1990); *Indianapolis Power & Light Co. v. NLRB*, 898 F.2d 524 (7th Cir. 1990); *U.S. Postal Service v. APWU*, 893 F.2d 1117 (9th Cir. 1990); *Hydrostorage v. No. California Boilermakers*, 891 F.2d 719 (9th Cir. 1989); *News/Sun Sentinel Co. v. NLRB*, 890 F.2d 430 (D.C. Cir. 1989); *Nat'l Posters, Inc. v. NLRB*, 885 F.2d 175 (4th Cir. 1989); *NLRB v. Parents and Friends of the Specialized Living Ctr.*, 879 F.2d 1442 (7th Cir. 1989); *In re Thornburgh*, 869 F.2d 1503 (D.C. Cir. 1989); *Stache v. Int'l Union of Bricklayers*, 852 F.2d 1231 (9th Cir. 1988); *Patel v. Quality Inn South*, 846 F.2d 700 (11th Cir. 1988); *NLRB v. Ashkenazy Property Mgt. Corp.*, 817 F.2d 75 (9th Cir. 1987); *UAW v. Brock*, 816 F.2d 761 (D.C. Cir. 1987); *Local 512, Warehouse and Office Workers' Union v. NLRB (Felbro)*, 795 F.2d 705 (9th Cir. 1986); *IBEW, Local 387 v.*

NLRB (Arizona Public Service Co.), 788 F.2d 1412 (9th Cir. 1986); *AFSCME v. State of Washington*, 770 F.2d 1401 (9th Cir. 1985); *California Hosp. Ass'n v. Henning*, 770 F.2d 856 (9th Cir. 1985); *White v. City of Richmond*, 713 F.2d 458 (9th Cir. 1983); *Hawaiian Telephone Co. v. Hawaii Dep't of Labor & Industrial Relations*, 691 F.2d 905 (9th Cir. 1982), earlier proceeding, 614 F.2d 1197 (9th Cir. 1980); *Spain v. Mountanos*, 690 F.2d 742 (9th Cir. 1982); *Gary W. v. State of Louisiana*, 622 F.2d 804 (5th Cir. 1980); *Gates v. Collier*, 616 F.2d 1268 (5th Cir. 1980).

In the federal district courts, the firm's cases have included the following: *Brown v. AFSCME, Council No. 5*, 2021 WL 533690 (D. Minn. Feb. 12, 2021); *Hoekman v. Education Minn.*, 2021 WL 533683 (D. Minn. Feb. 12, 2021); *Cram v. Local 503 Service Employees Int'l Union*, 2021 WL 526327 (D. Ore. Feb. 8, 2021); *Jarrett v. Marion County*, 2021 WL 233116 (D. Ore. Jan. 22, 2021), adopting Magistrate Judge's Findings and Recommendation in 2021 WL 65493 (D. Ore. Jan. 6, 2021); *Marsh v. AFSCME Local 3299*, 2021 WL 164443 (E.D. Cal. Jan. 19, 2021); *California by & Through Becerra v. Azar*, ___ F.Supp.3d ___, 2020 WL 6733641 (N.D. Cal. Nov. 17, 2020); *Zielinski v. Service Employees Int'l Union Local 503*, 2020 WL 6471690 (D. Ore. Nov. 2, 2020); *Woods v. Alaska State Employees Ass'n/AFSCME Local 52*, 2020 WL 6302261 (D. Alaska Oct. 27, 2020); *Wright v. Service Employees Int'l Union Local 503*, 2020 WL 5797702 (D. Ore. Sept. 28, 2020); *Semerjyan v. Service Employees Int'l Union Local 2015*, 2020 WL 5757333 (C.D. Cal. Sept. 25, 2020); *Polk v. Yee*, 2020 WL 4937347 (E.D. Cal. Aug. 24, 2020); *Schumacher v. Inslee*, 2020 WL 4226525 (W.D. Wash. July 22, 2020); *Boyle v. California State Univ. Employees Union*, 473 F.Supp.3d 989 (N.D. Cal. 2020); *Creed v. Alaska State Employees Ass'n/AFSCME Local 52*, 472 F.Supp.3d 518 (D. Alaska 2020); *Yates v. Wash. Fed'n of State Employees*, 466 F.Supp.3d 1197 (W.D. Wash. 2020); *Quezambra v. United Domestic Workers AFSCME Local 3930*, 445 F.Supp.3d 695 (C.D. Cal. 2020); *Hoekman v. Education Minn.*, 335 F.R.D. 219 2020 WL 2745162 (D. Minn. 2020); *Molina v. Penn. Social Service Union, Service Employees Int'l*, 2020 WL 2306650 (M.D. Penn. May 8, 2020); *Chambers v. AFSCME*, 450 F.Supp.3d 1108 (D. Ore. 2020); *Durst v. Oregon Educ. Ass'n*, 450 F.Supp.3d 1085 (D. Ore. 2020); *Chamber of Commerce v. City of Seattle*, 334 F.R.D. 440, 2020 WL 1151470 (W.D. Wash. 2020); *Quirarte v. United Domestic Workers AFSCME Local 3930*, 438 F.Supp.3d 1108 (S.D. Cal. 2020); *Few v. United Teachers Los Angeles*, 2020 WL 633598 (C.D. Cal. Feb. 10, 2020); *Grossman v. Hawaii Gov't Employees Ass'n/AFSCME Local 152*, 2020 WL 515816 (D. Haw. Jan. 31, 2020); *Hendrickson v. AFSCME Council 18*, 434 F.Supp.3d 1014 (D.N.M. 2020); *Penning v. Service Employees International Union, Local 1021*, 424 F.Supp.3d 684 (N.D. Cal. 2020); *Mendez v. Cal. Teachers Ass'n*, 419 F.Supp.3d 1182 (N.D. Cal. 2020); *William Morris Endeavor Entertainment, LLC v. Writers Guild of America, West, Inc.*, 432 F.Supp.3d 1127 (C.D. Cal. 2020), subsequent decision, 2020 WL 5640591 (C.D. Cal. Aug. 12, 2020); *Evans Hotels, LLC v. Unite Here Local 30*, 433 F.Supp.3d 1130 (S.D. Cal. 2020); *Wenzig v. Service Employees Int'l Union Local 668*, 426 F.Supp.3d 88 (M.D. Penn. 2019); *Aliser v. SEIU Cal.*, 419 F.Supp.3d 1161 (N.D. Cal. 2019); *Service Employees Int'l Union Local 200 United v. Trump*, 419 F.Supp.3d 612 (W.D.N.Y. 2019), *aff'd*, 975 F.3d 150 (2d Cir. 2020); *Thompson v. Marietta Educ. Ass'n*, 2019 WL 6336825 (S.D. Ohio Nov. 26, 2019), *aff'd*, 972 F.3d 809 (6th Cir. 2020); *Oliver v. Servs. Emps. Int'l Union Local 668*, 415 F.Supp.3d 602 (E.D. Pa. 2019); *Hamidi v. SEIU Local 1000*, 2019 WL 5536324 (E.D. Cal. 2019); *Maycock v. Dugovich*, 2019 WL 4849511 (W.D. Wa. 2019); *LaSpina v. SEIU Penn. State Council*, 2019 WL 4750423 (M.D. Pa. 2019); *Anderson v. Servs. Emps. Int'l Union Local 503*, 2019 WL 4246688 (D. Or. 2019); *Sweet v. Cal. Ass'n of Psychiatric Technicians*, 2019 WL 4054105 (E.D. Cal. 2019); *Seager v.*

United Teachers Los Angeles, 2019 WL 3822001 (C.D. Cal. 2019); *Molina v. Penn. Social Serv. Union*, 392 F.Supp.3d 469 (M.D. Pa. 2019); *Center for Popular Democracy v. Bd. of Governors of Fed. Reserve Sys.*, 2019 WL 3207829 (E.D.N.Y. 2019); *Bayer v. Neiman Marcus Group, Inc.*, 2019 WL 2519537 (N.D. Cal. 2019), *rev'd*, 2021 WL 248384 (9th Cir. Jan. 26, 2021); *Hamidi v. SEIU Local 1000*, 2019 WL 25133767 (E.D. Cal. 2019); *Grossman v. Hawaii Gov. Emps. Ass'n/AFSCME Local 152*, 382 F.Supp.3d 1088 (D. Hawaii 2019); *Rivera Madera v. Lee*, 2019 WL 2077037 (N.D. Fla. 2019); *Babb v. Cal. Teachers Ass'n/Wilford v. Nat'l Educ. Ass'n/Matthews v. United Teachers Los Angeles/Martin v. California Teachers Ass'n/Few v. United Teachers Los Angeles*, 378 F.Supp.3d 857 (C.D. Cal. 2019); *Wholean v. CSEA SEIU Local 2001*, 2019 WL 1873021 (D. Conn. 2019), *aff'd* 955 F.3d 332 (2d Cir. 2020); *Bermudez v. Serv. Emps. Int'l Union, Local 521*, 2019 WL 1615414 (N.D. Cal. 2019); *Hough v. SEIU Local 521*, 2019 WL 1785414 (N.D. Cal. 2019); *Berman v. Microchip Tech. Inc.*, 2019 WL 1318550 (N.D. Cal. 2019); *Thompson v. Marietta Educ. Ass'n*, 371 F.Supp.3d 431 (S.D. Ohio 2019); *Cockrum v. Donald J. Trump for President, Inc.*, 365 F.Supp.3d 652 (E.D. Va. 2019); *Crockett v. NEA-Alaska*, 367 F.Supp.3d 996 (D. Alaska 2019); *Carey v. Inslee*, 364 F.Supp.3d 1220 (W.D. Wa. 2019); *Cook v. Brown*, 364 F.Supp.3d 1184 (D. Or. 2019); *Natural Resources Defense Council v. Bernhardt*, 2019 WL 937872 (E.D. Cal. 2019); *Belgau v. Inslee*, 359 F.Supp.3d 1000 (W.D. Wa. 2019); *North Carolina State Conf. of the NAACP v. The N.C. State Bd. of Elections*, 2018 WL 3748172 (M.D.N.C. 2018); *Danielson v. AFSCME Council 28*, 340 F.Supp.3d 1083 (W.D. Wa. 2018); *Blair v. Rent-A-Center, Inc.*, 2018 WL 5721799 (N.D. Cal. 2018); *Yohn v. Cal. Teachers Ass'n*, 2018 WL 5264076 (C.D. Cal. 2018); *Danielson v. Inslee*, 2018 WL 3917937 (W.D. Wa. 2018); *Belgau v. Inslee*, 2018 WL 4931602 (W.D. Wa. 2018); *Greer v. Pac. Gas and Elec. Co.*, 2018 WL 5880768 (E.D. Cal. 2018); *Cockrum v. Donald J. Trump for President, Inc.*, 319 F.Supp.3d 158 (D.D.C. 2018); *Madera v. Detzner*, 325 F.Supp.3d 1269 (N.D. Fla. 2018); *Chavez v. Plan Benefit Servs., Inc.*, 2018 WL 3016925 (W.D. Tx. 2018); *Bayer v. Neiman Marcus Group*, 2018 WL 2427787 (N.D. Cal. 2018); *Pimentel v. Aloise*, 2018 WL 6025613; *Schuman v. Microchip Tech. Inc.*, 302 F.Supp.3d 1101 (N.D. Cal. 2018); *Berman v. Microchip Tech. Inc.*, 2018 WL 732667 (N.D. Cal. 2018); *Kao v. Abbott Laboratories Inc.*, 2017 WL 5257041 (N.D. Cal. Nov. 13, 2017); *Blair v. Rent-A-Center, Inc.*, 2017 WL 4805577 (N.D. Cal. Oct. 25, 2017); *Regents of University of California v. United States Department of Homeland Security*, 2017 WL 4642324 (N.D. Cal. Oct. 17, 2017), *pet'n for writ of mandamus denied sub nom In re United States*, 875 F.3d 1200 (9th Cir. 2017), *cert. granted, vacated, and remanded*, 2017 WL 6505860 (Dec. 20, 2017), *remanding to district court*, 2017 WL 6541751 (9th Cir. Dec. 21, 2017), *preliminary injunction granted on remand*, 2018 WL 339144 (N.D. Cal. Jan. 9, 2018); *Clark v. City of Seattle*, 2017 WL 3641908 (W.D. Wash. Aug. 24, 2017); *Fisk v. Inslee*, 2017 WL 4619223 (W.D. Wash. Oct. 16, 2017); *Chamber of Commerce v. City of Seattle*, 2017 WL 3267730 (W.D. Wash. Aug. 1, 2017); *Yohn v. California Teachers Ass'n*, 2017 WL 2628946 (C.D. Cal. June 1, 2017); *Alvarez v. Inslee*, 2017 LRRM 91,147, 2017 WL 1079923 (W.D. Wash. May 22, 2017); *Natural Resources Defense Council v. McCarthy*, 231 F. Supp. 3d 491 (N.D. Cal. 2017); *Pioneer Roofing Org. v. Sheet Metal Workers Local Union No. 104*, 2017 LRRM 16,035, 2017 WL 201615 (N.D. Cal. Jan. 18, 2017); *Bierman v. Dayton*, 227 F. Supp. 3d 1022, 208 LRRM 3085 (D. Minn. 2017); *Winner v. Rauner*, 2016 LRRM 422,986, 2016 WL 7374258 (N.D. Ill. Dec. 20, 2016); *North Carolina State Conference of the NAACP v. The North Carolina Bd. of Elections*, 2016 WL 6581284 (M.D.N.C. Nov. 4, 2016); *Hoffman v. Inslee*, 2016 WL 6126016 (W.D. Wash. Oct. 20, 2016); *Pette v. Int'l Union of Operating Engineers*, 2016 WL 4596338 (C.D. Cal. Sept. 2, 2016); *Salazar v. McDonald's Corp.*, 2016 WL 4394165 (N.D. Cal. Aug. 16, 2016), and subsequent orders, 2017 WL 88999 (N.D. Cal. Jan. 5, 2017), and 2017 WL 950986 (N.D. Cal. Mar. 10,

2017); *Totten v. Kellogg Brown & Root, LLC*, 2016 WL 316019 (C.D. Cal. Jan. 22, 2016); *Ochoa v. McDonald's Corp.*, 133 F. Supp. 3d 1228, 1237 (N.D. Cal. 2015), and subsequent order, 2016 WL 3648550 (N.D. Cal. July 7, 2016); *D'Agostino v. Patrick*, 98 F. Supp. 3d 109 (D. Mass. 2015), *aff'd*, 812 F.3d 240 (1st Cir. 2016); *Greene v. Dayton*, 81 F. Supp. 3d 747 (D. Minn. 2015); *Bierman v. Dayton*, 2014 WL 5438505 (D. Minn. 2014), appeal dismissed as moot, 817 F.3d 1070 (8th Cir. 2016); *Natural Resources Defense Council v. Pritzker*, 62 F. Supp. 3d 969 (N.D. Cal. 2014); *Beaver v. Tarsadia Hotels*, 29 F. Supp. 3d 1294 (S.D. Cal. 2014), on reconsideration, 29 F. Supp. 3d 1323 (S.D. Cal. 2014), *aff'd*, 816 F.3d 1170 (9th Cir. 2016); *Svc. Employees Int'l Union, Local 1 v. Husted*, 887 F. Supp. 2d 761 (S.D. Ohio 2012), *aff'd in part and rev'd in part sub nom Northeast Ohio Coalition for the Homeless v. Husted*, 696 F.3d 580 (6th Cir. 2012), and later proceeding, 906 F. Supp. 2d 745 (S.D. Ohio 2012); *Friendly House v. Whiting*, 846 F. Supp. 2d 1053 (D. Ariz. 2012), *aff'd*, *Valle del Sol Inc. v. Whiting*, 709 F.3d 808 (9th Cir. 2013); *Narayan v. EGL, Inc.*, 285 F.R.D. 473 (N.D. Cal. 2012); *Oster v. Lightbourne*, 2012 WL 685808 (N.D. Cal. March 2, 2012); *Carrillo v. Schneider Logistics, Inc.*, 2012 WL 556309 (C.D. Cal. Jan. 31, 2012), 2011 WL 6104839 (C.D. Cal. Dec. 7, 2011), and 823 F. Supp. 2d 1040 (C.D. Cal. 2011); *Ellis v. Costco Wholesale Corp.*, 285 F.R.D. 492 (N.D. Cal. 2012); *San Francisco Baykeeper v. West Bay Sanitary Dist.*, 2011 WL 6012936 (N.D. Cal. Dec. 1, 2011); *UFCW Local 99 v. Brewer*, 817 F. Supp. 2d 1118 (D. Ariz. 2011), later proceeding, 934 F. Supp. 2d 1167 (D. Ariz. 2013); *Copello v. Boehringer Ingelheim*, 2011 WL 3325857 (N.D. Ill. Nov. 2, 2011); *M.R. v. Dreyfus*, 767 F. Supp. 2d 1149 (W.D. Wash. 2011); *Southern Wine + Spirits Co. v. Simpkins*, 2011 WL 124631 (S.D. Fla. Jan. 14, 2011); *Dimenco v. Svc. Employees Int'l Union*, 2011 WL 89999 (N.D. Cal. Jan. 10, 2011); *M.R. v. Dreyfus*, 2011 WL 31553 (W.D. Wash. Jan 05, 2011); *Common Cause of Colorado v. Buescher*, 2010 WL 4537073 (D. Colo. Nov. 3, 2010), and 2010 WL 4156486 (D. Colo. Oct. 18, 2010); *Dominguez v. Schwarzenegger*, 2010 WL 3447691 (N.D. Cal. Aug. 30, 2010), 2010 WL 2673715 (N.D. Cal. July 2, 2010), and 2010 WL 2348659 (N.D. Cal. June 8, 2010); *Danieli v. IBM*, 2010 WL 2399329 (S.D.N.Y. March 29, 2010); *V.L. v. Wagner*, 669 F. Supp. 2d 1106 (N.D. Cal. 2009); *Martinez v. Schwarzenegger*, 2009 WL 3353227 (N.D. Cal. Oct. 15, 2009), and 2009 WL 1844989 (June 26, 2009); *The OSO Group v. Bullock & Associates*, 2009 WL 2422285 (N.D. Cal. Aug. 6, 2009); *NRDC v. Kempthorne*, 627 F. Supp. 2d 1212 (E.D. Cal. 2009), 2009 WL 1575208 (E.D. Cal. June 3, 2009), and 2008 WL 5054115 (E.D. Cal. Nov. 19, 2008); *Veliz v. Cintas Corp.*, 2009 WL 1107702 (N.D. Cal. 2009); *New United Motor Mfg., Inc. v. UAW, Local 2244*, 184 L.R.R.M. 2539, 2008 WL 2540702 (N.D. Cal. June 19, 2008); *Pacific Coast Fed'n of Fishermen's Ass'n v. Gutierrez*, 2008 WL 2223070 (E.D. Cal. May 20, 2008), subsequent proceeding, 2008 WL 2851568 (E.D. Cal. July 18, 2008); *United States ex rel. UNITE HERE v. Cintas Corp.*, 2008 WL 1767039 (N.D. Cal. April 16, 2008); *McCabe Hamilton & Renny Co., Ltd. v. Int'l Longshore & Warehouse Union, Local 142*, 557 F. Supp. 2d 1171 (D. Haw. 2008); *AFL-CIO v. Chertoff*, 552 F. Supp. 2d 999 (N.D. Cal. 2007); *Svc. Employees Int'l Union v. City of Houston*, 542 F. Supp. 2d 617 (S.D. Tex. 2008); *Knox v. Westly*, 183 L.R.R.M. 3232, 2008 WL 850128 (E.D. Cal. March 28, 2008), *rev'd sub nom 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); *Arizona Contractors Ass'n, Inc. v. Candelaria*, 534 F.Supp.2d 1036 (D. Ariz. 2008), *aff'd sub nom Chicanos Por La Causa, Inc. v. Napolitano*, 544 F.3d 976 (9th Cir. 2008); *Golden Gate Restaurant Ass'n v. City and County of San Francisco*, 42 Employee Benefits Cases 2185, 2007 WL 4570521 (N.D. Cal. Dec. 26, 2007), *rev'd*, 546 F.3d 639 (9th Cir. 2008); *Arizona Contractors Ass'n, Inc. v. Napolitano*, 526 F. Supp. 2d 968 (D. Ariz. 2007), later proceeding *Arizona Contractors Ass'n, Inc. v. Candelaria*, 534 F. Supp. 2d 1036 (D. Ariz. 2008), *aff'd sub nom Chicanos Por La*

Causa, Inc. v. Napolitano, 544 F.3d 976 (9th Cir. 2008); *Fusi v. Emery World Airlines, Inc.*, 183 L.R.R.M. 2225, 2007 WL 4207863 (S.D. Ohio 2007); *In re American Family Mut. Ins. Co. Overtime Pay Litigation*, 155 Labor Cases ¶ 35,353, 2007 WL 2936319 (D. Colo. 2007); *Int'l Longshore & Warehouse Union, Local 142 v. C. Brewer & Co.*, 496 F. Supp. 2d 1179 (D. Haw. 2007); *SkyWest Pilots ALPA Org. Comm. v. SkyWest Airlines, Inc.*, 2007 WL 1848678, 182 L.R.R.M. 2485 (N.D. Cal. 2007); *Adams v. Inter-Con Security Systems, Inc.*, 242 F.R.D. 530, 2007 WL 1089694 (N.D. Cal. 2007); *Chao v. Allied Pilots Ass'n*, 2007 WL 518586, 181 L.R.R.M. 2578 (N.D. Tex. 2007); *Adcock v. UAW*, 2006 WL 3257044, 180 L.R.R.M. 3291 (W.D.N.C. 2006); *Knox v. Westly*, 2006 WL 2374763, 180 L.R.R.M. 3170 (E.D. Cal. 2006), earlier proceeding, 2005 WL 3031622 (E.D. Cal. 2005), subsequent proceedings, 2007 WL 516263, 181 L.R.R.M. 2501 (E.D. Cal. 2007), 2006 WL 3147683 (E.D. Cal. 2006); *Vega v. Contract Cleaning Maintenance*, 2006 WL 1554383, 11 Wage & Hour Cas.2d 1121 (N.D. Ill. 2006); *Patterson v. Heartland Industrial Partners, LLP*, 428 F. Supp. 2d 714 (N.D. Ohio 2006), earlier proceeding, 225 F.R.D. 204 (N.D. Ohio 2004); *Darensburg v. Metropolitan Transportation Comm'n*, 2006 WL 167657 (N.D. Cal. 2006); *NRDC v. Rodgers*, 381 F. Supp. 2d 1212 (E.D. Cal. 2005), motion for reconsideration denied, 2005 WL 2466067 (E.D. Cal. 2005), earlier proceeding, 2005 WL 1388671 (E.D. Cal. 2005); *Rachford v. Air Line Pilots Ass'n, Int'l*, 375 F. Supp. 2d 908 (N.D. Cal. 2005), later proceeding, 2006 WL 927742 (N.D. Cal. 2006), *aff'd mem.*, 284 Fed. Appx. 473 (9th Cir. 2008); *Casumpang v. Int'l Longshore & Warehouse Union, Local 142*, 361 F. Supp. 2d 1195 (D. Haw. 2005), subsequent proceeding, 411 F. Supp. 2d 1201 (D. Haw. 2005); *Patel v. Sugan, Inc.*, 354 F. Supp. 2d 1098 (N.D. Cal. 2005); *In re Farmers Ins. Exchange Claims Representatives' Overtime Pay Litigation*, 300 F. Supp. 2d 1020 (D. Ore. 2003), amended, 336 F. Supp. 2d 1077 (D. Ore. 2004), *aff'd in part, rev'd in part, and remanded*, 466 F.3d 853 (9th Cir. 2006), later proceeding, 14 Wage & Hour Cas.2d 356, 2008 WL 4763029 (D. Ore. Oct. 28, 2008); *Cummings v. Connell*, 281 F. Supp. 2d 1187 (E.D. Cal. 2003), *rev'd*, 402 F.3d 936 (9th Cir. 2005), later proceeding, 2006 WL 1716160, 180 L.R.R.M. 2159 (E.D. Cal. 2006); *SEIU Local 87 v. SEIU Local 1877*, 230 F. Supp. 2d 1099 (N.D. Cal. 2002); *Does I v. Gap, Inc.*, 2002 WL 1000068 (D.N.M.I. 2002), related proceeding, 2002 WL 1000073 (D.N.M.I. 2002); *Chamber of Commerce v. Lockyer*, 225 F. Supp. 2d 1199 (C.D. Cal. 2002), *rev'd*, 463 F.3d 1076 (9th Cir. 2006) (*en banc*); *Common Cause v. Jones*, 213 F. Supp. 2d 1110, 213 F. Supp. 2d 1116 (C.D. Cal. 2002); *Catholic Social Svcs. v. Ashcroft*, 206 F.R.D. 654 (E.D. Cal. 2002); *In re World War II Era Japanese Forced Labor Litigation*, 164 F. Supp. 2d 1153 (N.D. Cal. 2001), and 114 F.Supp. 939 (N.D. Cal. 2000); *Does I v. Advance Textile Corp.*, 2001 WL 1842389 (D.N.M.I. 2001); *NRDC v. Whitman*, 53 E.R.C. 1673, 2001 WL 1221774 (N.D. Cal.), later proceeding, 2001 WL 1456783 (N.D. Cal. 2001), appeal dism. sub nom *NRDC v. EPA*, 35 Fed. Appx. 590, 2002 WL 1042092 (9th Cir. 2002); *Eller Media Co. v. City of Oakland*, 2000 WL 33376585 (N.D. Cal. 2000), earlier proceedings, 1998 WL 827426 (N.D. Cal. 1998), and 1998 WL 549494 (N.D. Cal. 1998); *CF&I Steel, L.P. v. Bay Area Rapid Transit District*, 2000 WL 1375277 (N.D. Cal. 2000); *Chadwick v. IBEW*, 2000 WL 1006373 (N.D. Cal. 2000); *Friedman v. Cal. State Employees Ass'n*, 2000 U.S. Dist. LEXIS 7049, 163 L.R.R.M. 2924 (E.D. Cal. 2000); *Foster v. Garcy*, 1999 U.S. Dist. LEXIS 21876, 140 Lab. Cas. (CCH) ¶ 58,914 (N.D. Cal. 1999); *Tosco v. Communities for a Better Environment*, 41 F. Supp. 2d 1061 (C.D. Cal. 1999); *Bishop v. Air Line Pilots Ass'n*, 159 L.R.R.M. 2005, 1998 U.S. Dist. LEXIS 11948 (N.D. Cal. 1998), *aff'd mem.*, 2000 U.S. App. LEXIS 3270 (9th Cir. March 1, 2000); *Martens v. Smith Barney, Inc.*, 181 F.R.D. 243, 1998 U.S. Dist. LEXIS 9226, 77 FEP Cas. (BNA) 532 (S.D.N.Y. 1998); *Catholic Social Svcs. v. Reno*, 1998 U.S. Dist. LEXIS 10429, 10430, 10431 (E.D. Cal. 1998); *Sims v. Alameda-Contra Costa Transit Dist.*, 2 F. Supp. 2d 1253 (N.D. Cal. 1998); *Cremin v. Merrill Lynch*, 957 F. Supp. 1460 (N.D. Ill. 1997);

McLendon v. Continental Group, Inc., 872 F. Supp. 142 (D.N.J. 1994); *Alameda Newspapers, Inc. v. City of Oakland*, 860 F. Supp. 1428 (N.D. Cal. 1994); *Ford v. New United Motors Mfg., Inc.*, 857 F. Supp. 707 (N.D. Cal. 1994); *Sneede v. Coye*, 856 F. Supp. 526 (N.D. Cal. 1994); *In re Gulf USA Corp.*, 171 Bankr. 379 (D. Id. 1994); *Auvil v. CBS, 60 Minutes*, 800 F. Supp. 928 (E.D. Wash. 1992); *Cardona v. Oakland Unified School Dist.*, 785 F. Supp. 837 (N.D. Cal. 1992); *Associated Builders & Contractors v. BACA*, 769 F. Supp. 1537 (N.D. Cal. 1991); *EEOC v. Tortilleria “La Mejor,”* 758 F. Supp. 585 (E.D. Cal. 1991); *Akau v. Tel-A-Com Hawaii, Inc.*, 1990 Dist. LEXIS 4647 (D. Hawaii 1990); *Puzz v. United States Dep’t of the Interior*, 1989 Dist. LEXIS 16649 (N.D. Cal. 1989); *Bricklayers and Allied Craftsmen, Local Union No. 3 v. Masonry & Tile Contractors Ass’n of So. Nevada*, 136 L.R.R.M. 2319 (D. Nev. 1990); *California ex rel. Van de Kamp v. Reilly*, 750 F. Supp. 433 (E.D. Cal. 1990); *UFCW Local 1564 v. City of Clovis*, 735 F. Supp. 999 (D.N.M. 1990); *Immigrant Assistance Project v. INS*, 709 F. Supp. 998 (W.D. Wash. 1989) *aff’d*, 976 F.2d 1198 (9th Cir. 1993), *vacated and remanded*, 510 U.S. 594 (1993); *Ayuda, Inc. v. Barr*, 687 F. Supp. 650 (D.D.C. 1988), *rev’d in part*, 880 F.2d 1325 (D.C. Cir. 1989), *vacated and remanded*, 498 U.S. 1117 (1991), *on remand*, 948 F.2d 742 (D.D.C. 1991), 700 F. Supp. 49 (D.D.C. 1988), 744 F. Supp. 21 (D.D.C. 1990), *stayed*, 919 F.2d 153 (D.C. Cir. 1990), *rev’d*, 948 F.2d 742 (D.C. Cir. 1991), *vacated and remanded*, 509 U.S. 916 (1993), *on remand*, 7 F.3d 246 (D.C. Cir. 1993), *pet. for rehearing denied*, 14 F.3d 61 (D.C. Cir.), *cert. denied*, 513 U.S. 815 (1994); *Bower v. Bunker Hill Co.*, 675 F. Supp. 1263, 675 F. Supp. 1254, 114 F.R.D. 587 (E.D. Wash. 1986), and 689 F. Supp. 1032 (E.D. Wash. 1985); *Int’l Union of Bricklayers and Allied Craftsmen v. Meese*, 616 F. Supp. 1387 (N.D. Cal. 1985); *Adolph Coors Co. v. Sickler*, 608 F. Supp. 1417 (C.D. Cal. 1985); *Int’l Union, UAW v. Donovan*, 570 F. Supp. 210 (D.D.C. 1983), *rev’d*, 746 F.2d 855 (D.C. Cir. 1984); *Int’l Union, UAW v. Donovan*, 568 F. Supp. 1047 (D.D.C. 1983), *rev’d*, 746 F.2d 839 (D.C. Cir. 1984), *rev’d sub nom Int’l Union, UAW v. Brock*, 477 U.S. 274 (1986), *on remand*, 816 F.2d 761 (D.C. Cir. 1987); *Int’l Union, UAW v. Donovan*, 554 F. Supp. 1172 (D.D.C. 1983); *La Raza Unida v. Volpe*, 545 F. Supp. 36 (N.D. Cal. 1982); *AFL-CIO v. Marshall*, 494 F. Supp. 971 (D.D.C. 1980).

The firm has also participated in the following state supreme court cases, among others: *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: *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).

Exhibit B

DRAFT-NOT READY FOR EXECUTION OR MUTUAL AGREEMENT

Altshuler Berzon LLP (the “firm” or “Altshuler Berzon”) welcomes the West Contra Costa Unified School District Independent Redistricting Commission (“Commission” or “you”) as a client, and looks forward to the opportunity to represent you. A key element to a successful professional relationship is a clear, mutual understanding of the terms of our engagement, so please let us know if you have any questions regarding any aspect of our representation.

After reviewing this agreement, please sign the enclosed copy and return it to me. Altshuler Berzon’s agreement to represent you in this matter is contingent upon the execution and return of this agreement. The firm will have no obligation to perform legal services for you before receiving a signed copy of this agreement.

The Scope of Our Work

We want you to have a clear understanding of the legal services we will provide. Our representation (the “Representation”) will be limited to providing independent legal counsel to the Commission, including providing independent legal advice and helping with setting the agenda for Commission meetings and Brown Act compliance, when requested from time to time. In particular, under the general direction of the Commission, Altshuler Berzon LLP shall:

- Serve as the legal advisor for the Commission and its agents.
- Advise the Commission at meetings, public hearings, and other legal proceedings, and assist with scheduling, publicizing, and running meetings, public hearings, and proceedings.
- Ensure that all constitutional, statutory, and regulatory requirements and court decisions governing the Commission’s activities are properly interpreted, including but not limited to the Stipulated Judgment governing the Commission’s work, the Ralph M. Brown Act, the Public Records Act, the California Elections Code, and the federal Voting Rights Act of 1965.
- Provide legal representation in relevant administrative proceedings.
- Render written and verbal legal advice.
- Render legal advice regarding policies within the Commission’s legal areas of responsibility, if any.
- Ensure that any administrative policies adopted by the Commission are consistent with law and are implemented fairly and impartially.

This is the only agreement between you and Altshuler Berzon concerning the Representation. For any other agreement between us to be effective it must be in writing and signed by both of us. Likewise, if you want us to perform any legal work for you on any other matter, we will do so only after reaching a separate written agreement with you concerning that work.

Who Will Provide the Legal Services

The attorneys at Altshuler Berzon principally working on this matter will be partners P. Casey Pitts, Connie K. Chan, and Matthew Murray. Other lawyers may be used, as needed, without your prior permission, unless you request otherwise. We also may use paralegals and legal assistant clerks for as much of the work as practicable. We may assign work to other lawyers and paralegals in our firm, for example, for the purpose of involving persons with special expertise in a given area or for the purpose of providing services in an efficient, cost-effective, and timely manner.

Privileged Communications

You understand it is in your best interests to preserve the confidentiality of all communications between attorneys at Altshuler Berzon and you. If you disclose your communications with us to third parties, you jeopardize the attorney-client privilege and perhaps other privileges. Therefore, we advise you not to disclose your communications with us to third parties.

We Need Your Cooperation

For us to effectively represent you, we must rely on you to cooperate fully with us. Such cooperation includes, but is not limited to, providing accurate and complete information to us on a timely basis, promptly returning our phone calls and emails to you, meeting with us as needed, attending depositions, and reviewing and executing legal documents. You agree to disclose fully and accurately all facts and developments relating to the Representation. Failure on your part to cooperate will entitle us to terminate the Representation or, if applicable, to seek a court order permitting us to do so.

Attorneys' Fees and Out-of-Pocket Expenses

Due to the public interest nature of the Representation and the important public policy issues raised, Altshuler Berzon has agreed to bill its attorneys' time in this Representation at a substantially reduced partial hourly rate from the firm's customary market rates. We will bill you after the end of each month for all time reasonably spent on the Representation during the preceding month. Our fees for work in the Representation will be \$500 per hour for the work of partners of the firm; \$375 per hour for the work of associates; and \$200 per hour for the work of paralegals and law clerks. You agree and understand that we are billing at these below-market rates for this matter only.

We will bill our time on a monthly basis for all work performed. Such time will be billed in increments of tenths of an hour. We will also bill you monthly for all out-of-pocket expenses incurred by the firm. Expenses to be included in our monthly bills include but are not limited to messenger services, photocopying and printing at \$0.20 per page, secretarial overtime when necessary, computer research fees, filing fees, travel and lodging expenses, expert fees, investigation fees, process server fees, arbitrator and/or mediator fees and transcript costs.

DRAFT-NOT READY FOR EXECUTION OR MUTUAL AGREEMENT

You agree to pay our bills promptly, within thirty (30) days of receipt, and you understand that prompt payment of bills sent to you under this Agreement is a condition of our continuing the Representation. Failure by you to promptly pay all bills will entitle us to terminate the Representation or, if applicable, to seek a court order permitting us to do so.

Late Charges on Unpaid Bills

Because of the importance of prompt payment, each month we will include in our bill notice of any amounts outstanding more than 30 days. You will be assessed a late charge equal to 1% of the amount included on each such notice that has been outstanding more than 60 days. From that point on, this late charge will be imposed each month on amounts that continue to be outstanding for more than 60 days, including unpaid late charges. Unless a payment applies to a particular invoice, payments are applied to statements that have been outstanding the longest period of time.

Termination of Our Representation

You have the right to terminate the Representation at any time by giving us written notice thereof. We similarly reserve the right to withdraw from the Representation at any time with your consent, and at any time without your consent for any legally permissible reason, including but not limited to any failure to comply with the provisions of this agreement or if a conflict of interest arises.

If you discharge us or we elect to withdraw, you agree to take all steps necessary to free us from any obligation to perform further, including executing any documents necessary to complete the termination of the Representation, as well as to pay us at the agreed rates for all services provided and to reimburse us for all costs advanced prior to the effective date of the termination of the Representation. In the event of such a termination of Representation, we will take all steps that are ethical and reasonably practicable to protect your interests.

Conflict of Interest Waiver

As a condition of this agreement, both the Commission and the West Contra Costa Unified School District agree to waive any future conflict of interest arising from Altshuler Berzon LLP's representation of a client or clients with interests potentially or actually adverse to those of the West Contra Costa Unified School District. Provided, however, that such conflict waiver shall not extend to matters involving the work of the Commission or any final trustee map adopted by the Commission.

We Make No Guarantees

We will do our best to provide you with the legal services necessary to achieve a result satisfactory to you. However, you acknowledge that we make no promises or guarantees to you concerning the outcome of the Representation.

We Will Retain Documents Only For a Limited Time

After our representation of you in the Representation, we will promptly release to you upon your request the client papers and property in our file, such as pleadings, correspondence, deposition transcripts, exhibits, expert reports and physical evidence. After a period of five years from the time of completion of the Representation, if you do not make other arrangements with us, we may shred or otherwise dispose of the contents of the file.

Insurance Disclosure

State law requires that retainer agreement contain a statement regarding malpractice insurance. Accordingly, you are hereby notified that Altshuler Berzon maintains errors and omissions insurance coverage that would apply to the services to be rendered under this agreement.

Conclusion

If the terms of this agreement are acceptable, please sign the enclosed copy at the space provided below and promptly return it to me. Thank you for selecting us to represent you in this matter.

Sincerely,

P. Casey Pitts

By my signature below, I confirm that I am duly and properly authorized by the West Contra Costa Unified School District Independent Redistricting Commission to enter into the agreement set forth above, on the terms set forth above, and hereby do so by my signature set forth below.

Dated: _____

Signature

Name and Title

DRAFT-NOT READY FOR EXECUTION OR MUTUAL AGREEMENT

By my signature below, I confirm that I am duly and properly authorized by the West Contra Costa Unified School District to agree to the Conflict of Interest Waiver set forth above, on the terms set forth above, and hereby do so by my signature set forth below.

Dated: _____

Signature

Name and Title