



## → David B. Chidlaw

### Of Counsel

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David B. Chidlaw is a partner in the firm's San Diego office where he specializes in labor and employment matters on behalf of management, employers and high net worth individuals.

### Areas of Practice

Mr. Chidlaw has broad experience counseling and defending employers on a wide variety of employment issues, including immigration. He has substantial experience representing employers in representative and class actions under Federal and California wage and hour law, including prevailing wage matters. He has defended employers in wrongful termination and employment discrimination litigation, including sexual harassment, race, age, national origin, gender, and disability discrimination. He also represents employers in unfair competition and trade secret litigation.

Mr. Chidlaw has substantial administrative litigation and counseling experience before State and Federal Agencies, including the NLRB, Cal/OSHA, the Division of Labor Standards Enforcement (the Labor Commissioner), the California Apprenticeship Council and Division of Apprenticeship Standards, the U.S. Department of Labor, BCIS, the California Department of Fair Employment & Housing, the OFCCP, and the EEOC.

Mr. Chidlaw has advised both organized and merit shop employers for the length of his career. He has advised and represented employers in collective bargaining negotiations, organizing drives, decertification efforts and grievance arbitration matters. He regularly defends employers before the NLRB. He also provides guidance and training on union avoidance. Mr. Chidlaw provides daily advice to management clients on a wide variety of labor issues including wage and hour, reductions in force, personnel policies and employee handbooks, affirmative action compliance, employment-based immigration, protection of proprietary information, and discipline and termination matters.

### Honors

San Diego Super Lawyer, 2007, 2008, 2009, 2010

Top San Diego Lawyers, 2013, 2014

### Experience

Fuson v. Conti Materials Service, Inc., United States District Court, Eastern District of California Case No. 1:06-cv-00769 and Stanislaus County Superior Court Case No. 617611 (2007). Class action on behalf of drivers alleging failure to provide meal and rest periods, unfair competition and failure to pay vacation. This case was

settled after defeating class certification in the federal case.

Hahka v. New West Transportation, Inc., U.S. District Court, Central District of California, Case No. CV 05-07117R (CWx) (2005). Class and representative action on behalf of truck drivers claiming overtime under the Fair Labor Standards Act. The matter was settled.

Aguayo v. Oldenkamp Trucking, United States District Court, Eastern District of California Case No., F-04-6279 (2004). Plaintiffs allege that truck drivers are entitled to overtime pursuant to the Fair Labor Standards Act. The parties have agreed to a settlement.

Hogue v. WH Smith, et al., San Diego County Superior Court, Case No. GIC 830653 (2004). Plaintiff, on behalf of herself and other retail employees, is seeking overtime wages and meal break penalties. The case settled.

Hohnbaum v. Brinker Restaurant Corporation, San Diego Superior Court, Case No. GIC834348 (2004). Plaintiffs primarily allege failure to provide proper meal periods and rest breaks. The trial court certified the class action, but Brinker appealed that decision. The Court of Appeal overturned the order certifying the class and reversed several of the substantive findings of the trial court. Recently, on appeal, the Court of Appeal denied certification of the plaintiffs' meal and rest period class action claims. The Court reasoned that because employers are not obligated to ensure that meal and rest periods are actually taken, the assessment of whether employees were forced to forgo their breaks or voluntarily chose not to take them is necessarily "a highly individualized inquiry." Determination of these claims requires an individual analysis of why each employee did or did not take meal and rest breaks.

Orellana v. Silva Trucking, United States District Court, Case No. S-04-0506 FCD GGH (2004). Plaintiffs allege that truck drivers are entitled to overtime pursuant to the Fair Labor Standards Act. The case settled.

Altomare v. NRG Cabrillo Power Operations, Inc., San Diego County Superior Court Case No. GIN028736 (2003). Representative action on behalf of power plant employees claiming entitlement to bonus. The case was settled.

Hernandez v. Jim Aartman, Inc., United States District Court, Eastern District of California, Case No. CIV F 03-5600 AWI LJO (2003). Plaintiff is a truck driver and he claims violations of federal overtime laws, state uniform laws, and California Business and Professions Code § 17200. Plaintiff seeks to certify a class of several hundred drivers. The case settled.

Perea v RPM Enterprises, Orange County Superior Court Case No. 03CC00424 (2003). This case was brought by roof removal employees seeking overtime under federal and California law. The parties' settlement agreement was granted final approval by the court.

Annett, et al. v. Eurodesign Cabinets, Inc., San Diego Superior Court, Case No. GIC 798514 (2002). This class action was brought by cabinet installers and assistants who allege that they were improperly paid on a "piece-rate" basis and should have been paid overtime. Plaintiffs also alleged that they should have been paid for off-the-clock work and missed meal and break periods. The case settled.

Saputo v. California Communications, Inc., et al., Alameda County Superior Court, Case No. 2002076169 (2002). Plaintiffs seek prevailing wage payments and overtime under California law. We forced plaintiffs to abandon class certification and join 72 plaintiffs. The case settled.

Vasquez v. Jim Aartman, Inc., United States District Court, Eastern District of California, Case No. 02-CV-5624 (2002). Plaintiff is a truck driver and he claims violations of federal overtime laws as well as California Business and Professions Code § 17200. Plaintiff seeks to certify a class of several hundred drivers. The case settled.

Kropke, et al. v. California Communications, Alameda Superior Court, Case No. 2001-032789 (2001). This is a representative action under California Business and Professions Code § 17200 by union officials and former employees for alleged violations of state prevailing wage law and as well as other alleged labor code violations.

The Court granted in part our demurrer and motion to strike and the case then settled.

Lehmuth v. Qualex, Inc., Orange County Superior Court Case No. 00CC02825 (2000). Plaintiff, a former store manager, sought overtime pay for self and class by challenging application of overtime exemption under California law. The matter was mediated and settled prior to any class certification motion.

Grinstead, et al. v. Riviera Electric of California, Inc., Orange County Superior Court, Case No. 808917 (1998). This class action was brought on behalf of former employees who claimed they were not paid the prevailing wage as required on public works construction projects. Wage claims were alleged pursuant to the California Labor Code and Business & Professions Code § 17200. The case settled.

Ward v. PHCC of the Greater Sacramento Area, Sacramento County Superior Court Case No. 97 CS 03102 (1997). Representative action on behalf of journeymen apprentices claiming subsistence unlawful use and registration entitling them to journeymen wages. Case was dropped after we obtained ruling (upheld by 3 DCA) that Labor Code section regarding subsistence was unconstitutional.

Navarro v. Coast Plastering, et al., United States District Court, Southern District of California. Eight related FLSA collective actions seeking overtime for pieceworkers. The cases settled during discovery.

## Articles

- How Activision Ruling Favors M&A Formalities Over Practice  
*Law360*, March 25, 2024
- 9th Circ. Ruling May Expand Short-Swing Profit Exemption  
*Law360*, December 1, 2023
- Protecting Privilege In Case Of A Dispute With Former Director  
*Law360*, April 14, 2023
- Delaware Supreme Court Affirms the Use of Stockholders Agreements to Waive Appraisal Rights  
*Practical Guidance*, October 11, 2021
- American Pipe Tolling and Successive Class Claims  
*Los Angeles Daily Journal*, June 28, 2018
- Lehman Ruling Sets Stage For Future Subordination Contests  
*Law360*, August 16, 2017
- Delaware Court of Chancery Addresses the “Cleansing Effect” of Stockholder Approval In Post-Closing M&A Damages Actions  
*Transaction Advisors*, September 2016

## Books

Employer’s Guide To COVID-19 And Emerging Workplace Issues (Over 690 pages)  
04.21.2020

## Speaking Engagements

Frequent speaker before employer and human resources groups on topics ranging from wage and hour to employment discrimination

## Events

Webinar With Your Labor Lawyer - San Diego  
Spring 2020 Seminar Series  
Webinar, 04.30.2020

We Will Get Through This. Together.  
Webinar, 03.18.2020

Breakfast With Your Labor Lawyer - San Diego  
Spring 2019 Seminar Series  
04.30.2019

Labor & Employment Law Update & Happy Hour - San Diego  
Fall 2018 Seminar Series  
10.11.2018

Breakfast With Your Labor Lawyer - San Diego  
Spring 2018 Seminar Series  
04.04.2018

Breakfast With Your Labor Lawyer - San Diego  
Spring 2017 Seminar Series  
04.26.2017

Labor & Employment Law Update & Happy Hour - San Diego  
Fall 2016 Seminar Series  
10.04.2016

Breakfast With Your Labor Lawyer - San Diego  
Spring 2016 Seminar Series  
04.21.2016

Labor & Employment Law Update & Happy Hour - San Diego  
Fall 2015 Seminar Series  
10.22.2015

Breakfast With Your Labor Lawyer - San Diego  
Spring 2015 Seminar Series  
05.14.2015

Labor & Employment Legal Update & Happy Hour  
Fall 2014 Seminar Series - San Diego  
10.28.2014

Breakfast With Your Labor Lawyer - San Diego  
Spring 2014 Seminar Series  
04.03.2014

Labor and Employment Law Update and Happy Hour - San Diego  
Fall 2013 Seminar Series  
Hyatt Regency La Jolla, 09.17.2013

Breakfast With Your Labor Lawyer - San Diego  
Spring 2013 Seminar Series  
Hyatt Regency La Jolla, 05.01.2013

Labor and Employment Law Update & Happy Hour Fall 2012 - La Jolla  
Hyatt Regency La Jolla, 09.19.2012

Labor and Employment Law Update & Happy Hour Spring 2012 - San Diego  
Hyatt Regency La Jolla, 04.26.2012

Breakfast With Your Labor Lawyer - San Diego  
Labor & Employment Law Update Fall 2011  
Hyatt Regency La Jolla, 09.14.2011

Labor & Employment Law Update & Happy Hour - San Diego  
Hyatt Regency La Jolla, 03.24.2011

Labor & Employment Law Update & Happy Hour - San Diego  
Our New, Improved, and FREE Breakfast With Your Labor Lawyer (in the Evening!)  
Hyatt Regency La Jolla - San Diego, 09.16.2010

Labor and Employment Law: Mid-Year Update 2009 - San Diego  
Breakfast With Your Labor Lawyer  
San Diego Marriott Mission Valley, 09.17.2009

ACC San Diego Chapter JULY MCLE: Employment Law Trends and Predictions  
Sheppard Mullin's Downtown San Diego Office, 07.23.2009

New Labor & Employment Laws for 2009 - La Jolla  
Breakfast With Your Labor Lawyer  
Hyatt Regency La Jolla, 02.24.2009

The Employee Free Choice Act: No Choice At All - San Francisco  
Sheppard Mullin's San Francisco Office, 01.23.2009

The Employee Free Choice Act: No Choice At All - San Diego Area  
Hyatt Regency La Jolla, 01.08.2009

Labor and Employment Law: Mid-Year Update 2008 - La Jolla  
Breakfast With Your Labor Lawyer  
Hyatt Regency La Jolla, 10.08.2008

Breakfast With Your Labor Lawyer - La Jolla  
Hyatt Regency La Jolla, 01.22.2008

## Memberships

Member, San Diego County Bar Association

Member, American Subcontractors Association

Member, American Immigration Lawyers Association

## Podcasts & Webinars

03.18.20 We Will Get Through This. Together

03.18.2020

## Practices

Labor and Employment

Employee Benefits/ERISA

Immigration

Labor and Employment Counseling

Unfair Competition and Trade Secrets

Affirmative Action

Handbooks and Personnel Policies

Health and Safety Regulations/OSHA

Labor and Employment Litigation

Discrimination, Harassment, and Retaliation

Wrongful Termination

Public Works and Prevailing Wage Law

Wage and Hour Class Actions

Labor Union Management Relations

Litigation

Construction

Immigration

Private Wealth Services

Healthcare

## Industries

Construction

Energy, Infrastructure and Project Finance

Healthcare

Multifamily Housing

Retail, Fashion & Beauty

Sports

Transportation

Trucking and Logistics

## Education

J.D., University of California, Davis, 1989

B.S., University of California at Davis, 1980

## Admissions

California State Courts

United States District Courts for the Northern, Eastern, Central, and Southern Districts of California, as well as the Ninth Circuit Court of Appeals