



## → Gregg A. Fisch

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Gregg Fisch is a partner in the Labor and Employment Practice Group in the firm's Century City office.

### Areas of Practice

Gregg has extensive experience in all aspects of litigation, and has successfully defended management before federal and state courts and administrative agencies in defense of complaints for class action and single-plaintiff matters, involving wage-and-hour violations, wrongful termination, age, race, gender, disability, sexual orientation, and national origin discrimination, sexual harassment, retaliation, and other statutory, contract and tort-related claims, as well as in relation to union campaigns and elections, and ULP charges.

Gregg regularly provides clients with practical advice on a wide range of day-to-day labor and employment law issues, including establishing effective human-resource policies and complying with federal and state laws, such as those relating to wage-and-hour issues, disability and family/medical leave laws, workplace violence prevention, and the discipline and termination processes. He also regularly prepares and revises employee handbooks and other employment-related documents, including separation, arbitration, and confidentiality agreements.

Gregg has experience conducting, organizing, and overseeing internal corporate investigations relating to allegations of discrimination, harassment, and employee wrongdoing involving theft, and assault and battery, as well as counseling in-house professionals on how to conduct investigations of workplace misconduct. He also has obtained temporary restraining orders to help prevent workplace violence.

### Honors

Recognized as Top Young Lawyer in Southern California for Labor and Employment in the 2009 Super Lawyers, Rising Stars Edition.

Recognized, Labor and Employment and Labor and Employment Litigation, *Legal 500*, 2011

Southern California Super Lawyer, *Super Lawyers*, 2013-2023

### Experience

#### Representative Wage-and-Hour Cases

- *Andino v. Kaiser Foundation Hospitals* (class action concerning time rounding practices)

- *Arpajian v. Countrywide* (settled (on individual basis) class action concerning alleged Labor Code violations for alleged untimely payment of final wages)
- *Abhyankar v. Countrywide* (class action concerning alleged Labor Code violations for misclassification of exempt employees based on violation of salary-basis test because of jury duty policy and alleged untimely payment of final wages, including accrued vacation)
- *Boon v. Beverly Hills Hotel* (class action concerning alleged Labor Code violations for alleged overtime, meal/rest break, uniform deductions, and untimely payment of final wages)
- *Brown v. Southern California Permanente Medical Group* (settled (on individual basis) class action concerning alleged Labor Code violations for alleged failure to include non-discretionary bonus payments in the regular rate of pay)
- *Bundy v. Countrywide* (settled class action concerning alleged Labor Code violations for alleged miscalculation of bonuses and payment of commissions)
- *Cheenan v. Countrywide* (prevailing on motion to deny class certification (and successfully defeating appeal) regarding alleged Labor Code violations for failure to timely pay final wages and alleged overtime and off-the-clock violations)
- *Contreras United Food Group* (settled class action for alleged Labor Code violations for alleged meal/rest break violations and alleged off-the-clock violations)
- *Elliot v. Spherion Corp.* (prevailing on motion for summary judgment (and successfully defeating appeal) in class action regarding alleged Labor Code violations for failure to timely pay final wages and alleged improper wage statements)
- *Esteban Zamora v. Countrywide* (settled class action concerning alleged Labor Code violations for alleged improper wage statements, meal/rest break violations, and untimely payment of final wages)
- *Girma v. Universal City Studios* (settled action concerning alleged Labor Code violations for failure to pay overtime and rest break violations)
- *Hamilton v. Bank of America* (settled action concerning alleged Labor Code violations for commissions owed and misclassification, including wage statements, overtime, meal and rest break violations, and untimely final wages)
- *Hogan v. NBC Universal* (settled on (individual basis) class action concerning alleged Labor Code violations for untimely final wages, meal/rest break violations, uniform reimbursements, and improper wage statements)
- *Jones v. Kaiser Foundation Hospitals* (prevailing on motion for summary adjudication (and then settling on individual basis) in class action concerning alleged Labor Code violations for failure to timely pay final wages, meal/rest break violations, reporting time pay violations and improper wage statements)
- *Jong v. Kaiser Foundation Health Plan* (prevailing on motion for summary adjudication (and successfully defeating appeal) in class action concerning alleged Labor Code violations for off-the-clock work)
- *Jordan-Jones v. Jacob Health Care Center* (settled class action regarding alleged Labor Code violations for alleged off-the-clock violations, improper wage statements, meal/rest break violations, and untimely payment of final wages)
- *Lemmons v. Kaiser Foundation Health Plan* (settled class action concerning alleged Labor Code violations for failure to pay for alleged controlled-standby time)
- *Leon v. Double Zero* (settled class action concerning alleged Labor Code violations for unpaid overtime, meal break violations, and improper rounding of time records)

- *Lew v. Countrywide* (settled class action concerning alleged Labor Code violations for alleged unpaid wages, improper wage statements, meal/rest break violations, and untimely payment of final wages)
- *Louie v. Kaiser Foundation Hospitals* (prevailing on motion for lawfulness of on-duty meal period in class action concerning alleged Labor Code violations)
- *Lusso v. Kaiser Foundation Hospitals* (settled action concerning alleged Labor Code violations for alleged misclassification, leading to inaccurate wage statements, unpaid overtime, meal and rest break violations, and untimely payment of final wages)
- *McCracken / Dole v. ABQ Health Partners* (settled multi-plaintiff action concerning alleged breach of contract and fiduciary duty violations related to alleged whistleblower claims involving fraudulent billing issues)
- *Martinez v. Countrywide* (settled class action concerning alleged Labor Code violations for alleged overtime violations and untimely payment of final wages)
- *Mejia v. Marotto Maintenance* (defeated class certification in its entirety and settled (on individual basis) class action concerning alleged Labor Code violations for off-the-clock work and unpaid training time)
- *Mendoza v. Nissan Woodworks* (settled multi-plaintiff suit for alleged overtime, meal/rest break, and off-the-clock violations for non-exempt employees)
- *Montecino v. Spherion Corp.* (settled on individual basis (for walk-away agreement) class action concerning alleged Labor Code violations for failure to timely pay final wages)
- *Ronald Zamora v. Countrywide* (settled class action concerning alleged Labor Code violations for alleged miscalculation of bonuses and payment of commissions)
- *Rojas v. Peerless Building Management* (settled (on individual basis) class action concerning alleged Labor Code violations for alleged overtime, meal/rest break, and off-the-clock violations for non-exempt employees)
- *Stevens v GCS Service* (successfully defended appeal of motion for summary judgment concerning alleged Labor Code violations for failure to pay compensation for overtime and travel time)
- *Tollefsen v. Countrywide* (settled on (individual basis) class action concerning alleged Labor Code violations for alleged improper wage statements, meal/rest break violations, and untimely payment of final wages)
- *Wishom v. Bank of America* (settled on individual basis (for walk-away agreement) class action concerning alleged Labor Code violations for alleged overtime and off-the-clock violations, and untimely final wages)

## Articles

- Unintended Consequences: Dynamex and California Health Care Employers  
*Healthcare News*, 08.09.2019
- Post-Dynamex Considerations For Calif. Health Care Cos.  
*Law360*, 05.25.2018
- Preparing for the Affordable Care Act Employer Mandate  
*Corporate Counsel*, 02.07.2014
- Employers, Sit Tight and Wait for 'Brinker'  
*The Recorder*, 11.30.2011
- Providing A Seat And Time To Eat To Calif. Employees  
*Law360*, 11.04.2011

## Labor & Employment Law Blog Posts

- "California Supreme Court Holds Meal Period Premiums Are "Wages" and May Trigger Wage Statement and Waiting Time Penalties," May 25, 2022
- "'Ban the Box' Laws & Workplace Violence: An Employer's Failure to Sufficiently Perform Background Checks Could Lead To Costly Negligence Liability," May 31, 2018
- "Home Care Associations Seek Stay by SCOTUS of New Wage-and-Hour Rules, As the Effective Date of DOL Wage-and-Hour Regulations Quickly Approaches," October 6, 2015
- "U.S. Supreme Court Rules that Security Screening Time is Non-Compensable Under Federal Law and The Portal-to-Portal Act," December 11, 2014
- "Ninth Circuit Rules That Twombly Standard of Specificity Applies to FLSA Pleadings," November 17, 2014
- "California Enacts New Law Mandating Paid Sick Leave for Employees," September 19, 2014
- "Undocumented Workers May Pursue Claims Under California's FEHA, So Says The California Supreme Court," July 9, 2014
- "The Supreme Court's Ruling in *Hobby Lobby* that Closely Held, For-Profit Companies Should Receive Religious Exemptions From ObamaCare's Conception Mandate Likely Will Have Little Practical Impact Immediately in the Employment Arena," June 30, 2014
- "California Supreme Court Issues *Iskanian* Decision, Ruling that Class Action Waivers in Arbitration Agreements Are Enforceable, But Still Allows PAGA Claims to Proceed on Representative Basis," June 24, 2014
- "Fifth Circuit Upholds The Validity Of Class-Action Waivers In Arbitration Agreements," December 6, 2013
- "The Increasing Cost of Doing Business in San Francisco: Board of Supervisors Approves Family Friendly Workplace Ordinance," October 14, 2013
- "Passage of Increase in California's Minimum Wage Could Impact More Than Just Hourly, Minimum Wage Workers," September 27, 2013
- "In the wake of the California Supreme Court's *Harris* Decision, A FEHA Claimant Must Show Discrimination was a "Substantial Motivating Factor" and An Employer Waives its Mixed-Motive Defense by Failing to Assert It in Its Answer," September 10, 2013
- "Supreme Court Narrows Definition of "Supervisor" Under Title VII," June 27, 2013
- "Is Your Criminal Screening Process Compliant?" May 30, 2013
- "Federal Jury Finds Executive Recruiter Guilty Stealing Trade Secrets From Former Employer In Order to Start Competing Business," May 1, 2013
- "In A 2-to-1 Split Decision, The California Court Of Appeal Parses The Language Of An Agreement And Denies Arbitration Of California Labor Code Claims," October 19, 2012
- "California Court of Appeal Provides Clarification of Labor Code Section 206.5's Restrictions on Releases of Wage Claims," June 28, 2012
- "Court Rules that Employee's Submission of Discrimination Complaint Through DFEH's Online System is Sufficient to Meet Jurisdictional Prerequisite for Filing FEHA Lawsuit," June 22, 2012
- "The EEOC Issues Updated Guidance on Employer Use of Arrest and Conviction Records," May 4, 2012
- "The EEOC Finds Discrimination on the Basis of Gender Identity (Against a Transgender Individual) a Viable Claim Under Title VII," May 1, 2012

- "President Obama Appoints Three to NLRB During Purported Congressional "Recess," January 10, 2011
- "NLRB Requires Employer to Rehire and Provide Backpay to Employees Terminated for Derogatory Comments Made About Co-Worker on Facebook," September 19, 2011

## Healthcare Law Blog Posts

- "Healthcare Industry Companies Must Be Wary of Classifying Any Workers As Independent Contractors, In Light of the California Supreme Court's Dynamex Ruling," May 18, 2018

## Media Mentions

A Lawsuit 'Field Day' Over Calif. Healthcare Worker Wage Hike  
*Law360*, 06.04.2024

## Speaking Engagements

"Litigating Wage-and-Hour Class Actions: *Practical Tips and Secrets Revealed from Plaintiffs & Defense Counsel*," Beverly Hills Bar Association (BHBA) (April 21, 2016)

"The Affordable Care Act from an Employer's Perspective," American Farm Bureau Federation (AFBF) (September 3, 2014)

"Conducting Effective Workplace Investigations," Hiring Done Right Webinar Series (July 31, 2014)

"Just Sign on the Dotted Line: Introduction to Physician Employment Agreements and Other Arrangements," Stanford University Hospital, The Stanford Pediatric Fellowship Lecture Series (March 27, 2014)

"ObamaCare: Essentials For Employers, The Pay or Play Employer Mandate and Other Important Information on the Affordable Care Act," UCLA Anderson School of Business, Alumni Network seminar series (March 18, 2014)

"Everything You Wanted to Know About Health Insurance Exchanges and the Affordable Care Act, but Forgot to Ask!" Los Angeles County Bar Association (LACBA) (December 11, 2013)

"Pay or Play: The Impact of ObamaCare on Small and Mid-Sized Businesses," Beverly Hills Bar Association (BHBA) (December 10, 2013)

"Annual Employment Law Update 2010 for California Employers," Vernon Chamber of Commerce (February 2, 2010)

"Just Say No to Class Actions: Proven Strategies for Avoiding Class Action Lawsuits," Employer Resource Institute, Business and Legal Reports, 2009 Employment Law Update (October 21, 2009)

"2009 California Employment Law Annual Update," Seyfarth Shaw Breakfast Briefing (February 5 & 12, 2009)

"Annual Employment Law Update 2009 for California Employers," Vernon Chamber of Commerce (February 3, 2009)

"The Most Common Mistakes Your Supervisors Make – And How You Can Get Them To Stop," Employer Resource Institute, Business and Legal Reports, 2008 Employment Law Update (October 15-17, 2008)

"Hold 'Em or Fold 'Em?: How Not To Lose The Attorney-Client Privilege," Association of Corporate Counsel of America (ACC), Southern California Chapter (July 16, 2008)

## Events

17th Annual Healthcare Law Compliance Symposium, Part I (Virtual)  
LACBA  
10.08.2020

Navigating COVID-19 Labor and Employment Challenges in the Workplace  
Webinar, 03.19.2020

Dynamex Implications for California Health Care Employers  
Changes to Employee Classification Standards  
via Webinar, 09.17.2019

The Impact of Obamacare on Small to Mid-Sized Businesses  
Obamacare legislation was passed and enacted... NOW WHAT?!  
11.13.2013

Labor & Employment Law Update & Happy Hour - Los Angeles  
Sheppard Mullin - Los Angeles, 03.08.2011

## Practices

Healthcare

Labor and Employment

Labor and Employment Counseling

Labor and Employment Litigation

Labor Union Management Relations

## Industries

Entertainment, Technology and Advertising

Esports & Games

Financial Services

Food and Beverage

Healthcare

Hospitality

Insurance

Mortgage Banking

Retail, Fashion & Beauty

## Education

J.D., New York University School of Law, 1996, Editor, *Annual Survey of American Law*

B.S., New York University, 1992

## Admissions

California

New York

U.S. Court for the Ninth Circuit

U.S. District Court, Central District of California

U.S. District Court, Eastern District of California

U.S. District Court, Northern District of California

U.S. District Court, Southern District of California

## Additional Office

New York