



## → Matthew A. Tobias

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Matt Tobias is a partner in the Labor and Employment Practice Group in the firm's Los Angeles and Chicago offices.

### Areas of Practice

Matt handles a wide range of labor and employment matters on behalf of employers and management. His practice includes:

Class and Representative Action Litigation: Matt regularly defends clients in complex litigation matters involving wage and hour class and representative actions, including PAGA lawsuits, in both state and federal courts. He has successfully defeated class certification motions and prevailed on summary judgment in such actions.

Single-Plaintiff Litigation: Matt has considerable jury trial experience and has tried to verdict employment matters such as age, sex, national origin, and disability discrimination, as well as harassment, retaliation, and wrongful termination claims. He has successfully prevailed on summary judgment in single plaintiff matters as well.

Trade Secrets and Employee-Mobility: Matt prosecutes and defends actions involving trade secret claims, unfair competition and enforcement of restrictive covenants and non-competes. He advises clients on employee-mobility issues and how to protect sensitive and valuable information.

Internal Investigations: Matt conducts internal investigations on behalf of clients involving complex, sensitive, and often high-level personnel matters, including claims of misconduct, sexual harassment, whistleblower retaliation, and wage and hour disputes.

Advice and Counseling: Matt regularly counsels clients on day-to-day workplace issues, such as the administration and enforcement of personnel policies, employee classification issues, reductions-in-force, executive and employee discipline and separation, leaves of absence and reasonable accommodations. He also conducts interactive trainings on issues such as recruitment, sexual harassment, discrimination, and general legal compliance issues.

Mergers and Acquisitions: Matt works with clients on mergers and acquisitions to evaluate employment liabilities associated with the transactions, to develop solutions to issues that may arise as part of the transactions, and to structure any employment-related agreements that may be included in such transactions.

Traditional Labor: Matt has significant experience representing employers in union negotiations, grievance proceedings and unfair labor practice charges before the National Labor Relations Board and other administrative agencies.

Prior to joining Sheppard Mullin, Matt worked in human resources for the City of Los Angeles conducting investigations into claims of unlawful discrimination, harassment, and retaliation, presenting training seminars to City employees on compliance with state and federal EEO laws, and representing the City in union-related matters.

## Honors

"Ones to Watch," *Best Lawyers*, 2024-2025

## Experience

### Trials

#### **October 2011 - Jury Trial (6 days)**

Court: Los Angeles County Superior Court (Hon. Louis Meisinger)  
Case: Retaliation, Wrongful Termination, Failure to Prevent Retaliation  
Industry: Retail Grocery  
Role: Managing Associate  
Verdict: Defense

#### **April 2012 - Bench Trial (10 days) (Class Action)**

Court: Los Angeles County Superior Court (Hon. David Minning)  
Case: Wage and Hour Class Action (tip pool) (Business & Professions Code § 17200)  
Industry: Gaming  
Role: Managing Associate  
Verdict: Defense

#### **December 2012 - Jury Trial (9 days)**

Court: Santa Barbara County Superior Court (Hon. Donna Geck)  
Case: Sexual Harassment Retaliation, Wrongful Demotion, and Termination  
Industry: Healthcare  
Role: Second Chair Trial Attorney  
Verdict: Defense

#### **March 2013 - Jury Trial (19 days)**

Court: Los Angeles County Superior Court (Hon. Abraham Kahn)  
Case: Age and National Origin Discrimination, Defamation, and Retaliation  
Industry: Banking/Financial Services  
Role: Second Chair Trial Attorney  
Verdict: Plaintiff (3 claims); Defense (2 claims and punitive damages)

#### **February 2014 - Jury Trial (21 days)**

Court: Alameda County Superior Court (Hon. Robert McGuinness)  
Case: Age Harassment, Age Discrimination, Retaliation, and Failure to Prevent (three defendants)  
Industry: Insurance  
Role: Second Chair Trial Attorney

Verdict: Defense

## **May 2016 – Jury Trial (6 days)**

Court: Los Angeles County Superior Court (Hon. Victor E. Chavez)

Case: Sexual, Race and Sexual orientation Harassment and Intentional Infliction of Emotional Distress

Industry: Retail Grocery

Role: Managing Associate

Verdict: Defense

## **November 2017 - Jury Trial (12 days)**

Court: Orange County Superior Court (Hon. Derek Hunt)

Case: Gender Discrimination, Retaliation, Failure to Accommodate, Failure to Engage in Interactive Process, and Disability Discrimination

Industry: Sports/Entertainment

Role: Co-First Chair Trial Attorney

Verdict: Defense

## **Reported Cases**

*Lampe v. Queen of the Valley Medical Center* (2018) 19 Cal.App.5th 832

*David v. Queen of the Valley Medical Center* (2020) 51 Cal.App.5th 653

## **Articles**

- "California Supreme Court Hands Down Victory for Employers in Tip Pooling Cases," *California Labor & Employment Law Review*, Volume 25, No. 2

## **Labor & Employment Law Blog Posts**

- "California Counties Mandate Face Coverings & Stricter Requirements for Businesses," April 9, 2020
- "New Year, New Minimum Wage Rates in California," December 21, 2017
- "Sixth Circuit Provides Clarification On Legality Of Draw-On-Commission Policy," November 21, 2017
- "Sheppard Mullin Secures Major Victory for Chipotle in Nationwide Misclassification Action By Demonstrating Variations Among Proposed Class Members," April 10, 2017
- "REMINDER: California Family Rights Act Amendments Go Into Effect July 1, 2015," June 29, 2015

## **Media Mentions**

Litigator of the Week Runners-Up and Shout Outs

*The AmLaw Litigation Daily*, 04.11.2023

## **Practices**

Labor and Employment

Labor and Employment Counseling

Employee Hiring/Discipline/Termination

Handbooks and Personnel Policies  
Harassment Investigation and Training  
Wage and Hour Regulations  
Labor and Employment Litigation  
Discrimination, Harassment, and Retaliation  
Wage and Hour Class Actions  
Wrongful Termination  
Labor Union Management Relations

## Industries

Food and Beverage  
Healthcare  
Retail, Fashion & Beauty  
Sports

## Education

J.D., Southwestern Law School, 2010, *summa cum laude*, Lead Articles Editor, *Southwestern Law Review*  
B.S., University of Southern California, 2003

## Admissions

California  
Illinois  
All California U.S. District Courts

## Additional Office

Chicago