



Greg S. Labate

Partner

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PRACTICE AREAS

- Labor and Employment

INDUSTRIES

- Automotive
- Fashion, Apparel and Beauty
- Hospitality
- Mortgage Banking
- Retail

OVERVIEW

Mr. Labate is a partner in the Labor and Employment Practice Group in the firm's Orange County office. He is the Co-Chair of this Practice Group.

Areas of Practice

Mr. Labate specializes in labor and employment law, and represents employers in a wide range of industries throughout California and the United States. He provides general advice to employers relating to labor and employment issues, and has extensive experience in defending employers against claims of discrimination, harassment, retaliation, wrongful termination, breach of contract, defamation, invasion of privacy, workplace violence, overtime and other wage/hour issues, class actions, and other related matters. Mr. Labate has defended employers at trial in state and federal court, and before numerous government agencies, including the DLSE, DFEH, EEOC, EDD, WCAB, and more. He regularly uses alternative dispute resolution techniques, such as mediation and arbitration, to resolve employment disputes and litigation. Mr. Labate has successfully defended employers in numerous wage and hour class actions both in state and federal court, with a special emphasis on class actions in the mortgage, restaurant, retail, and manufacturing industries.

EDUCATION

- J.D., University of California, Los Angeles, 1990
- B.A., Dartmouth College, 1986, *magna cum laude*

ADMISSIONS

- California

EXPERIENCE

Representative Clients and Matters

Hyundai Motor America, Lending Tree, Beckman Coulter, In-N-Out Burger, Commerce Energy Group, Timberland, IHOP, System Paving, PneuDraulics, G.E. Money, Lawry's Restaurants, Quest International, Western United Insurance, New Century Mortgage, C&D Aerospace, EZ Lube, Greenlight Mortgage, Houston's Restaurants, Sure Fire Technologies, Roland DGA, Mass Connections, Pacific Building Care, Atria Senior Living, Bordier's Nurseries, Fox Sports Grill, Quick Loan Funding, WMC Mortgage, The Nixon Library, Shell Vacations, Mobile Mini, US Technologies, Norms Restaurants, NetworkD, Kettley Publishing, El Modeno Gardens, South Coast Winery, Oncotech, Talbert Medical

Center, Swisher, National Health Properties, and many more.

Lectures and Appearances

Mr. Labate has presented lectures for employer's organizations such as Professionals in Human Resources Association (PIHRA), Employers Advisory Counsel (EAC), Employer's Group, Association of Corporate Counsel (ACC), and more. He has also appeared on television and radio as a spokesperson for CALA.

Recent Victories

Kashani v. Hyundai Information Services North America (December 2009, Orange County Superior Court, Judge Franz Miller). Obtained a complete defense verdict concerning claims based on the executive exemption, overtime, meal periods, and rest periods in a two-week jury trial.

Aspesi v. Hyundai Motor America, (June 2008, Orange County Superior Court, Judge Peter J. Polos). Obtained a complete defense verdict on all causes of action brought by two plaintiffs in 4-week jury trial.

Obtained what may be the first trial court ruling in California dismissing a class action lawsuit based on the enforcement of a class action waiver after the California Supreme Court's decision in Gentry v. Superior Court.

Defeated class certification in a wage and hour class action before the Los Angeles County Superior Court.

Published Decisions

Corder v. Houston's Restaurants, Inc., 424 F. Supp. 2d 1205 (C.D. Cal. 2006) (held meal and rest periods violations were penalties subject to a one-year, rather than a four-year, statute of limitations; only one penalty per day despite multiple meal and/or rest period violations).

HONORS

- Recipient, Los Angeles County Special Award for Distinguished Service as general counsel for Special Assistance for Victims in Emergency (SAVE), a non-profit charitable organization.

MEMBERSHIPS

- Member, Labor Law Section, Orange County Bar Association
- Member, Board of Directors of Citizens Against Lawsuit Abuse (CALA)
- Counsel, Project Access, a non-profit charitable organization in Orange County

ARTICLES

- How to Hire and Fire Without Fear!, *Orange County Business Journal*, March 21, 2011
- Q&A With Sheppard Mullin's Greg Labate, *Law360*, August 4, 2009
- Let's Do Lunch: Court of Appeal Decision Under Review, *Society for Human Resource Management (SHRM) California Employment Law Special Update*, April 2009
- Let's Do Lunch: The Effect of the "Brinker" Decision on Meal And Rest Periods in California, *Orange County Business Journal*, September 22, 2008

- Defense Tactic Puts Brakes on Auto Employee's Sex Bias Suit, *Daily Journal*, July 11, 2008
- Five Common Wage and Hour Mistakes That Could Cost Your Company Millions, *Orange County Business Journal*, September 17, 2007
- Regular Rate of Pay: Avoiding Common Mistakes in Calculating Overtime Pay in California, September 11, 2006
- Hiring & Firing Without Liability, *Orange County Business Journal*, June 2006
- How To Protect Your Company From Employment Class Actions, *Orange County Business Journal*, June 6, 2005
- New Employment Legislation for 2005, *Orange County Business Journal*, February 9, 2005
- Layoffs, Downsizing & RIFS: How To Do Them Right, *Orange County Business Journal*, March 18, 2002
- Ten Steps That Could Save Your Company, *Orange County Business Journal*, April 19, 2001
- Mandatory Arbitration of Statutory Employment Claims, September 11, 2000
- Is Your Independent Contractor Really An Employee?, February 21, 2000
- California Labor Law in the Year 2000, December 11, 1999
- New California Employment Laws for 2003, *Orange County Business Journal*, January 2003.
- Employee Layoffs? Beware of the WARN Act, co-author, *Orange County Business Journal*, May 2001.

SPEECHES

- Labor and Employment Law Updates
- Layoffs, Downsizing & RIFS
- Conducting Effective Workplace Investigations
- How to Hire and Fire
- Discrimination, Harassment and Retaliation
- California Wage & Hour Law
- Violence in the Workplace
- Overtime
- Sexual Harassment
- Leaves of Absence
- Disability Leaves
- Employee Handbooks
- At Will Employment
- Independent Contractors
- Arbitration
- Documentation in the Workplace
- Private Attorney General Act or "Sue Your Boss" Law

EVENTS

- Lessons Learned From Dukes v. Wal-Mart: How To Avoid Being The Target Of A Class Action Lawsuit In California
- Breakfast With Your Labor Lawyer - Orange County
- Labor & Employment Law Update - Spring 2011
- Labor & Employment Law Update & Happy Hour - Orange County
- Class Action Crisis in California: How to Avoid being a Target
- Labor & Employment Law Update & Happy Hour - Orange County
- Dukes v. Wal-Mart - Orange County
- Labor and Employment Law: Mid-Year Update 2009 - Costa Mesa
- New Labor & Employment Laws for 2009 - Orange County
- Labor and Employment Law: Mid-Year Update 2008 - Orange County
- Breakfast With Your Labor Lawyer - Orange County