



## → John Ellis

### Associate

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John Ellis is an associate in the Labor & Employment Practice Group and Appellate Practice Group in the firm's San Francisco office.

### Areas of Practice

John's practice focuses on litigating wage and hour class actions and representative actions under the California Private Attorneys General Act of 2004 in state and federal court. He is also a member of the firm's Appellate Practice Group and has drafted numerous winning appellate briefs and amicus briefs for proceedings in the appellate courts. John is experienced and knowledgeable with all aspects of federal and California wage and hour law and appellate procedure. John has particular expertise in wage and hour matters affecting the trucking and logistics industry.

### Honors

Ones to Watch – Labor and Employment, *Best Lawyers*, 2022

### Experience

Defeated certification of a class of employee truck drivers in *Burnell v. Swift Transportation Co of Arizona, LLC*, No. EDCV10809VAPSPX, 2016 WL 2621616, (C.D. Cal. 2016) and *Mares v. Swift Transportation Co. of Arizona, LLC*, No. CV 15-7920-VAP (KKX), 2017 WL 10592147, at \*1 (C.D. Cal. 2017)

Obtained summary judgment on all claims in *Mares v. Swift Transportation Co. of Arizona, LLC*, No. 215CV07920VAPKKX, 2018 WL 6928455, at \*1 (C.D. Cal. 2018)

Established the amount in controversy for purposes of federal diversity jurisdiction includes recoverable attorneys' fees anticipated to be incurred over the course of the litigation in *Fritsch v. Swift Transportation Co. of Arizona, LLC*, 899 F.3d 785 (9th Cir. 2018).

Established that employees earning piece rate compensation need not be paid separate hourly compensation for particular work under Washington law in *Sampson v. Knight Transportation, Inc.*, 193 Wash. 2d 878 (WA Supreme Court 2019)

Drafted amicus brief for Employers Group and California Employment Law Council in *Canela v. Costco Wholesale Corp.*, 971 F.3d 845 (9th Cir. 2020)

Assisted in preparation of amicus brief for Employers Group and California Employment Law Council in *Frlekin v. Apple Inc.*, 8 Cal. 5th 1038, 457 P.3d 526 (CA Supreme Court 2020)

## Articles

- PAGA is Warping the California Labor Code  
*Daily Journal*, 12.20.2019
- Justices Should Take LAX Labor Case  
*Daily Journal*, 04.13.2018

## Labor and Employment Law Blog Posts

- "Peace for Piece-Rate Employers in Washington," September 17, 2019
- "U.S. Supreme Court Rejects 'Wholly Groundless' Exception to Delegation Clauses in Arbitration Agreements," January 10, 2019
- "California Supreme Court Issues Narrow Holding In De Minimis Case, Leaving Many Issues Unresolved," July 30, 2018
- "Federal Court Strikes Down Department of Labor's Overtime Rule," September 8, 2017

## Media Mentions

Litigator of the Week Runners-Up and Shout Outs  
*The American Lawyer*, 08.13.2021

Wash. High Court Says Per-Hour Pay For Truckers Not Needed  
*Law360*, 09.05.2019

## Events

Labor & Employment Law Update & Happy Hour - Palo Alto  
Fall 2017 Seminar Series  
10.10.2017

## Practices

Appellate  
Employee Hiring/Discipline/Termination  
Employment Agreements  
Handbooks and Personnel Policies  
Labor and Employment  
Labor and Employment Counseling  
Labor and Employment Litigation  
Unfair Competition and Trade Secrets  
Wage and Hour Class Actions  
Wrongful Termination

## Industries

Transportation

Trucking and Logistics

## Education

J.D., University of California, Los Angeles, 2009

B.A., University of California, Los Angeles, 2006

## Admissions

California