



→ Paul S. Cowie

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Paul Cowie is a partner in the Labor and Employment Practice Group and is the go-to employment class action and PAGA defense lawyer.

Areas of Practice

Paul is experienced, highly responsive and knows how to successfully defend his clients. He serves as the Leader of the firm's Transportation Team and has deep experience across many industries, including retail, technology, manufacturing, and transportation. Paul manages a large team that defends employers in every type of employment dispute, including class and PAGA actions of all descriptions, discrimination and harassment suits, independent contractors and the gig-economy, wrongful termination and whistleblower complaints, as well as trade secret litigation. Active cases Paul is handling include allegations related to suitable seating, expense reimbursement, work from home, meal and rest periods, piece rate, overtime, wage statements, sick pay, security/bag checks, as well as discrimination class actions.

Paul was recognized as a "Top 40 Under 40" California attorney (*Daily Journal*, 2018); a Top Labor and Employment Attorney (*Daily Journal*, 2019, 2021 and 2022); and one of only 335 attorneys nationwide to be named a Client Service All-Star by BTI Consulting (2019).

Paul manages dozens of class actions, related to all forms of wage & hour disputes, discrimination, as well as misclassification. He counsels clients on all aspects of employment, including executive terminations, compliance, workplace investigations, workplace violence, assault, protecting intellectual property, and founder disputes. In addition, Paul has significant experience supporting M&A transactions and has worked closely with clients in structuring deals to minimize employment-related risks and to maximize the value of the transaction from an employment perspective.

Before practicing in the US, Paul practiced in the UK for approximately five years, representing and advising employers at all stages of employment litigation, including as lead counsel in UK Employment Tribunals. Paul has drafted hundreds of employment contracts and settlement agreements, negotiated warranties and indemnities in corporate transactions and is very familiar with the challenges faced by companies expanding into the US and operating in California.

Paul is a trial-ready litigator who knows how to resolve all forms of employment-related disputes efficiently and effectively.

Honors

Top Labor & Employment Lawyer, *Daily Journal*, 2019, 2021, 2022

Client Service All-Star, *The BTI Consulting Group*, 2019

Recommended Lawyer - Labor and Employment, *Legal 500*, 2019

Top 40 Under 40, *Daily Journal*, 2018

Northern California Rising Star, *Super Lawyers*, 2013-2018

Experience

- Currently handling approximately 80 class actions involving claims for discrimination, misclassification, FCRA, and all variety of wage and hour violations, including suitable seating, meal and rest breaks, minimum wage, bag checks, expense reimbursement, uniforms, joint employment, piece rate, and many standalone PAGA lawsuits. Paul is also managing approximately four dozen active single Plaintiff cases involving alleged harassment, discrimination, retaliation and wrongful termination (among many other claims).

Representative Experience

- 2021: Appellate affirmation of denial of class certification for construction company client.
- 2021: Compelled individual arbitration and in doing so obtained dismissal of representative PAGA claims for health care client.
- 2021: Dismissal of all claims against gig-economy client with respect to a passenger's lawsuit to hold the company vicariously liable for a driver's actions, including alleged claims of negligent hiring, retention, supervision, and training against the company.
- 2021: Appellate affirmation of trial court order compelling arbitration for electronics company and dismissing class claims.
- 2021: Prevailed on motion for judgment on the pleadings on behalf of retail client in representative PAGA action alleging misclassification of independent contractors.
- 2021: Obtained summary judgment on all claims against our client Swift Transportation in a putative class action alleging meal and rest period violations under California law.
- 2019: Compelled individual arbitration and dismissal of class claims in a putative wage and hour class action in federal court for client Smart & Final Stores, and simultaneously prevailed on demurrer in PAGA representative action in state court brought by same plaintiff.
- 2019: After three days of planned 10-day arbitration, secured a complete dismissal of all claims without any payment for nationwide healthcare client with respect to former employee's alleged gender discrimination, harassment, retaliation, failure to remedy, wrongful termination, and intentional infliction of emotional distress claims.
- 2019: Washington State Supreme Court win for employers as to legitimacy of commission and piece rate compensation structures (lead counsel and presented oral argument). This was the first and only win for an employer in the Washington State Supreme Court in years.
- 2018: Obtained summary judgment in a wage & hour rest break putative class action.
- 2018: Obtained summary judgment in disability discrimination single Plaintiff lawsuit.

- 2018: Presented two 9th Circuit oral arguments, including overturning district court regarding proprietary of removal and how to calculate the amount in controversy.
- 2017: Defeated class certification for client Swift Transportation for wage and hour class action, convincing court to overturn 24-page tentative ruling issued at the hearing.
- 2017: Compelled individual arbitration of 24,000 person putative class in expansive wage and hour class action for client Smart & Final Stores.
- 2017: Defeated certification in wage and hour class action for client Swift Transportation alleging rest break violations, convincing court to overturn 36-page tentative ruling issued at the hearing.
- 2017: Defeated class certification despite facially unlawful policy.
- 2016: Defeated class certification in a 20,000 plus putative class member wage and hour (multiple causes of action) class action with exposure into the billions of dollars for client Swift Transportation.
- 2016: Defeated class certification of wage statement class for client Save Mart Supermarkets.
- 2015: Dismissal with prejudice without any payment for client Brookdale Senior Living with respect to a former employee's age discrimination and wrongful termination suit.
- 2015: Dismissal for client Cox Communications without paying a cent on Plaintiff's six causes of action including for Wrongful Termination in Violation of Public Policy and Negligent Investigation.
- 2015: Represented Benchmark Electronics in defeating Plaintiff former employee's claims for wrongful termination and retaliation under Labor Code section 1102.5 without paying a penny.

Articles

- Ruling Confirms Courts Can Strike Unmanageable PAGA Claims
Daily Journal, 09.29.2021
- Will employers get to arbitrate California's exploding representative action lawsuits?
Daily Journal, 07.16.2021
- PAGA is Warping the California Labor Code
Daily Journal, 12.20.2019
- Don't Let Trade Secrets Walk Out the Door with Departing Employees
Daily Journal, 04.11.2018
- Telecommuting: a reasonable accommodation?
Employment Law Daily, 10.30.2015
- "Arbitration Agreements and the Use of Electronic Signatures," *Employment Law Strategist*, Vol. 23 No. 2, June 2015
- "Litigating Trade Secret Claims," *Employment Law Strategist*, Vol. 22 No. 2, June 2014
- "Social Media: Protecting Trade Secrets and Proprietary Information," *American Bar Association Section of Litigation*, Vol. 12 No. 2, Winter 2014
- Featured in "Employee engagement programs come with warnings of liability," *Daily Journal*, January 6, 2014
- "Employment Litigation in the Age of Social Media," *The Recorder*, November 4, 2013
- "Gamification in the workplace and its impact on employee privacy," *Westlaw Journal Employment*, October 23, 2013

- "Survey of California Employment Privacy Law," *MLRC Employment Survey*, 2014
- "The Phenomena of Gamification - The Next Big Thing for Employers?" *Bender's California Labor & Employment Bulletin*, August 2013
- "Personal Tech Pitfalls at Work," *California Lawyer*, June 2013
- "Who Owns Your Online Persona?" *The Recorder*, March 22, 2013
- "Recordkeeping in Human Resources - Electronic Storage and the Use of Electronic Signatures," *Bloomberg BNA*, February 11, 2013
- "World Courier Settlement Is Reminder To All Employers To Be Vigilant," *California Delivery Association*, Autumn 2012
- "Paying A Price For Misclassifying Workers In Calif.," *Law360*, September 22, 2011

Labor and Employment Law Blog Posts

- "California Court of Appeal Provides Guidance, and Creates a Split, on Critical PAGA Issues," December 9, 2021
- "Employee Separation Agreements Likely to Face Increased EEOC Scrutiny," February 4, 2021
- "The Ninth Circuit Puts the Brakes on Truckers' California Meal and Rest Break Claims," January 19, 2021
- "San Francisco Enacts a Temporary Ordinance Granting Workers Laid Off Due to COVID-19 a Right to Reinstatement," July 15, 2020
- "San Francisco Surpasses Other Jurisdictions and Enacts Expansive COVID-19 Related Paid Sick Leave," April 20, 2020
- "Employee Privacy Forecast: Temperature Checks," March 25, 2020
- "Los Angeles County and City Ban Gatherings and Order Immediate Closure of "Nonessential" Businesses in an Effort to Curb COVID-19: What You Need to Know About L.A.'s Safe At Home Orders," March 20, 2020
- "California Statewide Stay at Home Order: What Employers Need to Know," March 20, 2020
- "Governor Newsom Issues Executive Order Easing Restrictions on Commercial Drivers During COVID-19 Outbreak," March 18, 2020
- "AB 51 – Arbitration Under Attack," October 23, 2019
- "Peace for Piece-Rate Employers in Washington," September 17, 2019
- "California's Meal and Rest Break Rules for Commercial Motor Vehicle Drivers Remain Preempted by Federal Law . . . For Now," May 10, 2019
- "#MeToo Changes the Face of Sexual Harassment Litigation for Employers," November 19, 2018
- "Part Time Workers Must Be Offered Additional Hours: San Jose's Opportunity to Work Ordinance (Effective March 2017)," December 8, 2016
- "Cyberattacks a mounting challenge for employers," April 9, 2013
- "California Legislature Passes "Worker Misclassification" Bill Creating Civil Penalties For Willful Misclassification Of Independent Contractors," September 15, 2011

Video Game Law Blog Posts

- "'Unlimited' Time Off Policies – Fad or Fun?" March 17, 2015

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

Speaking Engagements

Employment Law Update, Silicon Valley Chapter of Association of Legal Administrators, 2017

Employment Law Update, Silicon Valley Chapter of Association of Legal Administrators, 2016

Gamification – Benefits, Pitfalls and Legal Considerations, FX Conferences, 2015

Structuring Independent Contractor Agreements to Avoid Costly Misclassification Liability, Strafford Webinar, 2014

Blackbox Connect U.S. Employment Law for Start Ups, Palo Alto, 2014

LebNet, Palo Alto, 2014

PASCO HR, Santa Rosa, 2013

Innovation Presentation Panel, Palo Alto, 2013

CDA Lunch and Learn, Silicon Valley, 2012

Doing Business in Europe, Los Angeles, 2011

Class Actions in the Financial Industry, San Francisco, 2010

Restrictive Covenants in the UK, Washington D.C., 2009

Events

Labor and Employment Law Update

Sheppard Mullin Chicago, 11.28.2018

Dynamex – What Now for Your Independent Contractors and Subcontractors?

Sheppard Mullin San Francisco, 05.23.2018

Breakfast With Your Labor Lawyer - Palo Alto

Spring 2017 Seminar Series

05.16.2017

Labor & Employment Law Update & Happy Hour - Palo Alto
Fall 2016 Seminar Series
10.25.2016

Breakfast With Your Labor Lawyer - Palo Alto
Spring 2016 Seminar Series
04.19.2016

Labor & Employment Law Update & Happy Hour - Palo Alto
Fall 2015 Seminar Series
10.07.2015

Breakfast With Your Labor Lawyer - Palo Alto
Spring 2015 Seminar Series
06.03.2015

MCLE Credit Crunch
01.27.2015

Labor & Employment Legal Update & Happy Hour
Fall 2014 Seminar Series - Palo Alto
10.08.2014

Employment Basics for Start-ups
Third Thursday Emerging Company Webinar Series
via WebEx, 06.19.2014

The Silicon Valley Enterprise Social Media Council (SVESMC)
06.13.2014

Breakfast With Your Labor Lawyer - Palo Alto
Spring 2014 Seminar Series
04.16.2014

Not So Fast! Employment, Ownership and Privacy Concerns When Using Social Media for Business
SVForum Marketing SIG
04.14.2014

Prevailing Wage and Misclassification Traps For Contractors and How to Avoid Them
Sheppard Mullin, November 2013

The Phenomena of Gamification - The Next Big Thing for Employers?
Sheppard Mullin Palo Alto
10.24.2013

Electronic Record Keeping & Electronic Signatures
Hosted by Sheppard Mullin & Payroll Resource Group
05.07.2013

Electronic Record Keeping & Electronic Signatures
Hosted by Sheppard Mullin & Payroll Resource Group
04.25.2013

Labor and Employment Law Update & Happy Hour Fall 2012 - Palo Alto
Sheppard Mullin Palo Alto Office, 10.16.2012

Labor & Employment Law Update & Happy Hour - San Francisco
Hyatt Regency San Francisco, 03.15.2011

Memberships

State Bar of California
UK Licensed Solicitor

Practices

Labor and Employment
Labor and Employment Litigation
Intellectual Property
Trade Secrets

Industries

Cannabis
Emerging Company & Venture Capital
Esports & Games
Food and Beverage
Healthcare
Retail, Fashion & Beauty
Transportation
Trucking and Logistics

Education

J.D., University of Northumbria at Newcastle, UK, 2001, *LLB honors*

Admissions

California
UK

U.S. District Court, Northern District of California

U.S. District Court, Central District of California

U.S. Court for the Ninth Circuit