



→ Robert Mussig

Partner
333 South Hope Street
Forty-Third Floor
Los Angeles, CA 90071

T: +1.213.617.5558
F: +1.213.620.1398
rmussig@sheppardmullin.com

Robert Mussig is a partner in the Labor and Employment Practice Group in the firm's Los Angeles office.

Areas of Practice

Rob helps employers navigate and resolve a wide range of complex workplace issues. He advises employers on compliance with local, state, and federal employment laws as well as best practices to avoid litigation, in particular with respect to terminations and layoffs. He also has extensive experience defending employment-related litigation, from wage and hour class actions to wrongful termination, discrimination, harassment, and retaliation claims. Rob has represented clients in many different industries, including entertainment, retail, transportation, waste and environmental, agriculture, restaurant and hospitality, aerospace, amusement and theme parks, manufacturing, and health care. He has represented employers in state and federal court as well as in administrative proceedings before state and federal agencies.

Rob has helped clients achieve excellent results on many, many occasions, including:

- Defeated class certification and ultimately obtained a complete dismissal for a large theme park in a heavily-litigated case alleging meal and rest period, off-the-clock work, and regular rate claims;
- Prevailed on summary judgment for a Fortune 200 company in multiple cases alleging discrimination, retaliation, harassment and/or wrongful termination claims;
- Successfully guided an apparel company through a highly contentious CEO termination involving disputed stock appreciation rights and other allegations;
- Obtained summary judgment in a wage and hour class action for a retail industry employer by convincing the court that the plaintiff's claims had already been released as part of a third-party staffing agency's settlement;
- Successfully compelled numerous class and PAGA cases to individual arbitration, including in cases where the employer had to rely on an arbitration agreement the employee had entered into with a third party;
- Defeated class certification for a nationwide transportation company in a wage and hour class case alleging meal and rest period and unpaid wages claims;
- Defeated class certification on behalf of a national restaurant chain in a case involving allegations that the company unlawfully deducted wages and failed to properly reimburse employees for work-related purchases;
- Obtained summary judgment in a meal and rest period class action for a trucking company based on the Federal Motor Carrier Safety Administration's determination that federal law preempts California state meal and rest period laws as applied to drivers of property-carrying commercial motor vehicles;

- Obtained a landmark appellate victory establishing that California union employees subject to a CBA may enter into individual arbitration agreements containing class action waivers; and
- Obtained a dismissal of an appeal in a case establishing a rule that a plaintiff in California may not appeal a denial of class certification under the so-called “death knell” doctrine if the case involves a claim under the Private Attorneys General Act (PAGA).

Honors

Boalt Hall Fellow at the University of California, Berkeley, Boalt Hall School of Law

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

Articles

Class Action Defense Strategy Law Blog Posts

- "In *Pineda's* Wake," May 24, 2011

Labor & Employment Law Blog Posts

- "California Employers: Get Ready for New FEHC Regulations Effective April 1st," March 15, 2016
- "An Ounce Of Prevention...Does Your Voluntary Wellness Program Comply With Proposed EEOC Regulations?" May 1, 2015
- "New EEOC Guidelines Regarding Employers' Obligations With Respect to Background Checks and Accommodation of Religious Dress and Grooming Practices," June 25, 2014
- "California Supreme Court Clarifies and Strengthens Work Product Protections for Attorney-Procured Witness Declarations," June 28, 2012

Memberships

Member, Los Angeles County Bar Association

Participant, East Bay Workers' Rights Clinic and the Unemployment and Wage Claims Project

Practices

Labor and Employment

Industries

Transportation

Education

J.D., University of California, Berkeley, 2005, member of the *Berkeley Technology Law Journal* and the *Berkeley Business Law Journal*

B.A., University of California, Berkeley, 2001

Admissions

California

U.S. District Court for the Central and Southern Districts of California