



→ Paul Berkowitz

Partner

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Paul Berkowitz is a partner in the Labor and Employment Practice Group in the firm's Century City office.

Areas of Practice

Paul's practice involves representing employers in all aspects of labor and employment litigation in defense of complaints for class action and single-plaintiff matters. Specifically, he has extensive experience with wage and hour matters involving claims relating to overtime, wage deductions, meal and rest breaks, misclassification, and improper wage statements. Paul also is experienced litigating individual employment discrimination, retaliation, harassment, and wrongful termination cases, including winning jury trials and arbitration in such matters.

Paul also provides clients with practical advice on a wide range of day-to-day traditional labor and employment law issues, including establishing effective human-resource policies and complying with federal and state laws, such as those relating to wage-and-hour issues, disability and family/medical leave laws, and the discipline and termination processes.

Paul works with clients in numerous industries, including financial services, insurance, retail, healthcare, hospitality, restaurant, and education.

Honors

Southern California Rising Star, *Super Lawyers*, 2013-2017

Legal 500, Labor and Employment, 2017

Experience

Notable Class Action Experience

- *Ibarra v. Manheim Investments, Inc.*, 775 F.3d 1193 (9th Cir. 2015). Reversed district court order remanding case and established more employer-friendly test for removing cases to federal court under the Class Action Fairness Act.

Notable Trial Experience

- *Ayala v. Cox Automotive, Inc.*, 2:16-cv-06341-CJC (USDC C.D. Cal.). Three-day jury trial in the Santa Ana federal court. The plaintiff asserted claims for age discrimination and wrongful termination. After about one hour of deliberation, unanimous jury awarded complete defense verdict.

- *Ollervides, et al. v. Concorde Battery Corp.* Two-plaintiff sexual harassment and wrongful termination case. Obtained complete defense ruling following seven-day arbitration.

Wage and Hour Class and Collective Action Experience

- *Acuity Brands Lighting adv. DeLaTorre*, CIVDS1601800 (San Bernardino Superior Court) (failure to provide meal and rest periods, failure to include bonus in regular rate, time rounding).
- *Balboa Life & Casualty, LLC, et al. adv. Zamora, et al.*, BC360026 (Los Angeles Superior Court) (alleged meal period and rest break violations, waiting time penalties).
- *Bank of America, N.A., et al. adv. Zamora, et al.*, BC464365 (Los Angeles Superior Court) (alleged denial of opportunity to copy or inspect putative class members' personnel files and wage and time records).
- *Charter Communications adv. Novoa*, 13-cv-01302 (USDC E.D. Cal.) (alleged off-the-clock work for field technicians).
- *Countrywide Financial Corporation adv. Abhyankar*, JAMS Case No. 1220036579 (JAMS Arbitration) (alleged Labor Code violations for misclassification of exempt employees based on violation of salary-basis test because of jury duty policy).
- *Countrywide Financial Corporation, et al. adv. Lew, et al.*, CV-01993-SC (USDC N.D. Cal. (alleged Labor Code violations for alleged unpaid wages, improper wage statements, meal/rest break violations, and untimely payment of final wages).
- *Countrywide Insurance Services, Inc. adv. Tollefsen*, 56-2008-00332381 (Ventura Superior Court) (failure to provide meal periods and defective wage statements for non-exempt employees).
- *Cox Communications, Inc. adv. Amiri*, 30-2016-00835723 (Orange County Superior Court) (alleged failure to pay wages properly for on call time).
- *Cox Communications, Inc. adv. Camia*, SACV12-1380 CJC (JPRx) (alleged "off-the-clock" work for non-exempt cable company field technicians).
- *Cox Communications, Inc. adv. Taylor*, 16-cv-01915 (USDC C.D. Cal.) (seeking to force cable company to pay employees who bring their work vehicles home at night for time spent driving the vehicle home at the end of the workday).
- *General Motors Financial Company, Inc., et al. adv. Nemeth, et al.*, CV12-02761 DMG (CWx) (USDC C.D. Cal.) (alleged misclassification of auto finance company credit analysis).
- *HomeServices Lending, LLC adv. Buchanan*, 3:11-cv-00922-L-MDD (USDC S.D. Cal.) (alleged deductions for business losses and expense reimbursement for loan officers of Wells Fargo joint venture).
- *Kaiser adv. Brown*, BC489643 (Los Angeles Superior Court) (alleged failure to include non-discretionary bonus payments in the regular rate of pay).
- *Kaiser adv. Lemmons*, 34-2012-00125488 (Sacramento Superior Court) (failure to pay for alleged controlled-standby for site support specialists).
- *Manheim Investments, Inc. adv. Ibarra*, 12-cv-00318 (USDC S.D. Cal.) (failure to provide meal and rest periods and off-the-clock work for non-exempt auto action employees).
- *Superior Grocers adv. Acevedo*, BC504487 (LASC) (challenge to time rounding practices).
- *Valero Refining Company adv. Wulfe*, 12-cv-05971 (USDC Central District) (alleged off-the-clock work and missed meal periods and rest breaks for non-exempt oil refinery employees).

- *Wells Fargo Bank, N.A. adv. Macey, et al.*, CFC 10-501835 (San Francisco Superior Court) (alleged deductions from commissions for "trust losses" and reimbursement of loan officer expenses).
- *Wells Fargo Bank adv. Caprarola*, L-3570-13 (New Jersey Superior Court) (challenging under New Jersey law method of calculating employee commissions as "unlawful deductions" and challenging requirements that employees pay subscription fee for websites and marketing programs).
- *Wells Fargo Bank adv. Dyer*, 13-cv-2858 (USDC N.D. Cal.) (nationwide breach of contract action alleging Wells Fargo systematically miscalculated commissions on a certain type of mortgage loan).
- *Wells Fargo Bank adv. Nguyen*, 15-547596 (San Francisco Superior Court; removed to USDC N.D. Cal. 15-cv-5239) (various challenges to Wells Fargo compensation plans including allegations of unlawful deductions, vacation forfeiture, and failure to pay commission wages in a timely manner).

Articles

Labor and Employment Law Blog Posts

- "SCOTUS to Determine Whether Highly Compensated Employees Are Entitled to Overtime Pay," May 9, 2022
- "Supreme Court Grants Review in Important Arbitration Case Regarding PAGA," December 15, 2021
- "Coronavirus Response: A Checklist for California Employers," March 25, 2020
- "Governor Brown Signs Bill Clarifying Wage Statement Requirements for Exempt Employees," July 28, 2016
- "NLRB Broadens its Test for Determining Joint-Employer Status," September 4, 2015
- "Passage of Increase in California's Minimum Wage Could Impact More Than Just Hourly, Minimum Wage Workers," September 27, 2013
- "California Court of Appeal Issues Favorable Decision Allowing For Explicit Mutual Wage Agreements For Non-Exempt Employees", February 10, 2011

Events

Labor & Employment Law Update and Happy Hour - Los Angeles
Fall 2023
The Conrad, 10.17.2023

Labor & Employment Law Update and Happy Hour - Los Angeles
Fall 2022
The LINE Hotel, 10.27.2022

California Labor & Employment Law Update
Webinar, 04.14.2022

California Labor & Employment Law Update
Webinar, 04.21.2021

Webinar With Your Labor Lawyer - Los Angeles
Spring 2020 Seminar Series
Webinar, 03.31.2020

Labor & Employment Law Update & Happy Hour - Los Angeles
Fall 2019
Convene, 10.15.2019

Breakfast With Your Labor Lawyer - Los Angeles
Spring 2019 Seminar Series
05.07.2019

Practices

Discrimination, Harassment, and Retaliation
Employee Hiring/Discipline/Termination
Employee Privacy and Defamation
Employment Agreements
Handbooks and Personnel Policies
Labor and Employment
Labor and Employment Counseling
Labor and Employment Litigation
Wage and Hour Class Actions
Wrongful Termination

Industries

Aviation
Financial Services
Food and Beverage
Hospitality
Mortgage Banking
Retail, Fashion & Beauty

Education

J.D., University of California, Los Angeles, 2007, *Order of the Coif*
B.A., University of Arizona, 2004, *cum laude*

Admissions

California
U.S. District Court, Eastern District of California

U.S. District Court, Central District of California
U.S. District Court, Northern District of California
U.S. District Court, Southern District of California
U.S. Court for the Ninth Circuit