



## David M. McLaughlin

### Partner

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David has more than 31 years of trial, litigation, and dispute resolution experience. He represents clients across a range of industries and focuses on employment matters of all types, including:

- Fair Employment and Housing Act (FEHA)
- Wage and hour
- Whistleblower
- Discrimination
- Harassment
- Retaliation
- EEOC
- ADA
- Unruh Act

David's complex commercial litigation experience includes resolving product liability, real estate, and

#### PRACTICE AREAS

Business & Commercial Litigation  
Employment  
Intellectual Property  
Product Liability & Torts  
Real Estate

#### ACCOLADES

Martindale-Hubbell, AV Preeminent Peer Rating for Highest Excellence, 2005-2022  
Top Rated Lawyer, The American Lawyer & Corporate Counsel Magazines, Labor & Employment  
Fellow, Litigation Counsel of America  
San Francisco Bay Area A.M. Best Lawyers

#### COURT ADMISSIONS

California  
USDC: Central District of California  
USDC: Eastern District of California  
USDC: Northern District of California  
USDC: Southern District of California

#### EDUCATION

JD, Santa Clara University School of Law, 1987

catastrophic injury matters. His primary goal as a trusted advocate is to solve clients' problems based on their needs and goals. When it's not in a client's best interest to avoid litigation, David is prepared to take the case to trial. He has won numerous jury and bench trials and binding arbitrations, as well as resolved many disputes through mediation.

## **Representative Matters**

### ***Employment Law***

- Negotiated a nominal settlement for a national document and information management service provider in a race and sex discrimination claim filed with the EEOC in Oahu, Hawaii, for which the plaintiff sought \$300,000.
- Resolved a hostile work environment and retaliation case involving a CFO and a Napa Valley winery owned by a national luxury brand.
- Successfully resolved disability discrimination, harassment, and retaliation claims brought by an employee after the client employer, a semiconductor manufacturer, terminated his employment for performance reasons.
- Won a dismissal based on a 12(b)(1) motion to dismiss on behalf of a Carmel, California hotel client. The matter involved a complaint alleging ADA, Unruh Act, and negligence allegations.
- Resolved a US Department of Labor audit regarding wage and hour issues at a restaurant and beach resort.
- Resolved a whistleblower and retaliation case brought by a vice president against his employer, a semiconductor company, alleging unethical and improper business and accounting practices involving revenue recognition.
- Defended a wind power/wind farm company against a whistleblower retaliation action brought by an employee who claimed he was terminated after he refused to sell scrap metal for cash and complained to OSHA about safety issues with the wind turbines. The case settled for a nominal amount.
- Represented a national hotel chain in FEHA and Labor Commission, Department of Industrial Relations claims for wrongful termination based on race discrimination and for unpaid vacation

BA, University of California, Los Angeles, 1983

### **PROFESSIONAL ACTIVITIES**

Member, Claims and Litigation Management Alliance (CLM)

Member, Santa Clara County Bar Association (SCCBA)

Member, Redwood City Chamber of Commerce

Lifetime Member, Bruin Varsity Club

Mentor, UCLA Alumni Mentor Program

Reviewer and scorer, UCLA Freshman Alumni Scholarships

pay and overtime wages.

- Advised the president of a multi-billion-dollar pharmaceutical company in a disability discrimination and wrongful termination action. The case settled before the filing of a lawsuit.
- Represented a Los Angeles airport hotel, which was part of a national hotel chain, in a wrongful termination case where the plaintiff alleged Election Code violations, pertaining to hotel transient occupancy taxes. After an 11-day deposition of the plaintiff, the case resolved for a nominal amount.
- Represented a national hotel chain in a Superior Court action when the plaintiff alleged race, age, sex, and disability discrimination (FEHA) arising from the plaintiff's termination. The case was successfully settled for the client.

### ***Commercial Litigation & Torts***

- Defended a career networking organization in a \$3.8 million lawsuit brought by a competitor alleging a breach of an internet advertising contract. We asserted a cross-complaint for unfair competition, unfair business practices, and antitrust violations. During mediation, the plaintiff agreed to resolve and dismiss the lawsuit.
- Represented a real estate investment trust that owns a large commercial property leased by a major craft retailer. After presenting a highly credible deposition, we secured a dismissal with prejudice in exchange for a cost waiver. We subsequently filed a cross-complaint and obtained a substantial reimbursement for attorney's fees.
- Negotiated early settlements on behalf of a luxury hotel in Sedona, Arizona, in five USDC District of Arizona cases over four years.
- Represented a multinational tire manufacturer and its entities in numerous tire and tread separation product liability and breach of warranty matters involving severe injuries and deaths.
- Represented the leading national manufactured homes dealer in more than 30 California cases against product liability, breach of consumer warranties, breach of contract, and unfair competition claims. The trial of two cases led to a jury verdict and judgments in favor of the client.

### David M. McLaughlin Took Part in Robert Half & FEISV's 25th Annual Scholarship Golf Tournament

May 15, 2024

The event's net proceeds fund the scholarships FEISV provides to local finance and accounting students