



## David M. McLaughlin

### Partner

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David has more than 38 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
- PAGA
- Employee misclassification
- Class actions

#### **PRACTICE AREAS**

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

#### **ACCOLADES**

Fellow, Litigation Counsel of America  
Martindale-Hubbell, AV Preeminent Peer Rating for Highest Excellence, 2005-present  
Top Rated Lawyer, The American Lawyer & Corporate Counsel Magazines, Labor & Employment, 2013  
Northern California Super Lawyers, Employment Litigation: Defense, 2004  
San Francisco Bay Area Lawyers, AM Best

#### **COURT ADMISSIONS**

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

- Unruh Act
- Civil rights
- Trade secrets

David's commercial litigation and trial experience also includes resolving complex business, product liability, and real estate disputes. As a trusted advocate, his primary goal is to solve clients' problems in alignment with their objectives. When litigation is necessary, David is fully prepared to take cases to trial. He has won numerous jury and bench trials and binding arbitrations, and has successfully resolved many disputes through mediation. David is also available to serve as a neutral in the mediation context.

#### EDUCATION

JD, Santa Clara University School of Law, 1987  
 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

## Representative Matters

### *Employment Law*

- Prevailed in a 25-day jury case involving an employee/independent contractor misclassification dispute for a manufactured homes dealer in a bet-the-company matter.
- Prevailed in a US Department of Labor complaint regarding whistleblower and retaliation claims, and then reached a nominal settlement for a related Connecticut state court lawsuit arising from similar allegations. Admitted pro hac vice in Connecticut.
- 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, where 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 US District Court motion to dismiss on behalf of a Carmel, California hotel client. The matter involved a complaint alleging negligence and violations of the ADA and

Unruh Act.

- 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 in a whistleblower retaliation action brought by an employee who claimed he was terminated after refusing to sell scrap metal for cash and complaining 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 pay and overtime wages.
- Advised the president of a multi-billion-dollar pharmaceutical company in a disability discrimination and wrongful termination action. We settled the matter before a lawsuit was filed.
- Defended a Los Angeles airport hotel, which was part of a national chain, in a wrongful termination case alleging Election Code violations related 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 alleging 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 resulted in a jury verdict and a judgment (after a dismissal before jury selection) in favor of the client.