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HON. TRICIA BIGELOW CASE LIST

Employment

Foroudi v. Aerospace Corporation

11/24/2020

57 Cal.App.5th 992

Former employee sued employer after he was selected for a company-wide reduction in force because of his age. The trial court denied employee's motion for leave to amend and entered summary judgment in employer's favor. Employee appealed, arguing the trial court erred in denying his request for leave to amend and in granting employer's motion for summary judgment because he had exhausted his administrative remedies and submitted evidence that his position was given to a younger employee who was less qualified to perform the same duties.

Saheli v. White Memorial Medical Center

3/14/2018

21 Cal.App.5th 308

Physician sued his hospital and supervisor, alleging claims for retaliation, violation of the Bane Act, and sexual harassment. The hospital and physician filed petitions to compel arbitration. The trial court granted the petitions in part and denied them in part. Hospital and supervisor appealed, arguing arbitration agreement did not incorporate state law that was preempted by federal law, and unique requirements applicable to agreements to arbitrate civil rights claims under the Ralph Act and Bane Act were preempted by Federal Arbitration Act.

Wal-Mart Stores, Inc. v. United Food & Commercial Workers International Union

10/14/2016

4 Cal.App.5th 194

Employer sued a labor union that was not its employees' representative or bargaining agent for injunctive and declaratory relief for trespass. The trial court issued a preliminary injunction prohibiting picketing inside the employer's stores. Union appealed, arguing employer's trespass cause of action was preempted by the National Labor Relations Act, and employer's trespass cause of action presented the identical controversy to the employer's unfair labor practice charge before the National Labor Relations Board and thus was not subject to the "local interest" exception to preemption.

Saffer v. JP Morgan Chase Bank, N.A.

4/29/2014

225 Cal.App.4th 1239

Former employee of failed bank sued his former supervisor and the buyer of bank's assets and liabilities for constructive discharge in violation of public policy and in breach of express or

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implied employment contracts. The trial court granted buyer's and supervisor's motion to compel arbitration and confirmed an arbitration award of dismissal. Former employee appealed, arguing the arbitration agreement was unenforceable, the award should have been vacated because the arbitrator substantially prejudiced his rights by denying him discovery, and the arbitrator exceeded her authority by dismissing the case before a merits hearing.

Esparza v. County of Los Angeles

2/6/2014

224 Cal.App.4th 452

Public safety officers sued county for improper termination or demotion. They alleged that, after Office of Public Safety merged with the County Sheriff's Department, they were offered lower paying positions within the Sheriff's Department due to their failure to meet qualifications for deputy sheriff positions. The trial court sustained county's demurrer. Officers appealed, arguing county was not immune from claims that county violated the Fair Employment and Housing Act (FEHA) through merger; federal court decision which dismissed public safety officers' section 1983 claims did not necessarily decide officer's Public Safety Officers Procedural Bill of Rights (POBRA) claims such that collateral estoppel applied; and federal court decision did not preclude officers' request for a writ of mandate.

Hall v. Goodwill Industries of Southern California

3/16/2011

193 Cal.App.4th 718

Employee sued his employer for retaliation under the Fair Employment and Housing Act (FEHA) and wrongful termination. The trial court granted summary judgment for the employer and granted employee's motion for a new trial. Employee appealed, arguing the statute of limitations period began only when the claimant actually received the right-to-sue notice, and the trial court erred in denying his motion for new trial based on information regarding a drug rehabilitation center, which constituted "new" evidence.

Neily v. Manhattan Beach Unified School Dist.

1/27/2011

192 Cal.App.4th 187

A former school district employee filed a petition for writ of mandate to compel the district to reinstate him as a high school baseball coach. The trial court found the district had properly classified the petitioner as a temporary employee, and denied his petition. Employee appealed, arguing the district had a mandatory duty under the Education Code to classify him as a "probationary" employee and not, as it did, as a "temporary" employee and thus he was entitled to additional employment protections.