



Paul B. Mello

Partner

Paul represents public and private sector clients in high stakes litigation, including putative and certified wage and hour, misclassification, harassment, and discrimination class actions. His practice focuses on complex employment litigation, and he has significant experience in all aspects of the transportation industry. Paul's practice also includes providing compliance advice and counseling on employment law and transportation law issues. He has handled a wide variety of individual and multi-plaintiff cases in federal and state court including race, sex, disability, and age discrimination suits, as well as breach of employment contract, wrongful termination, fraud, defamation, whistle-blower, wage and hour and other employment-related litigation.

Paul also represents public and private sector clients in administrative actions and/or investigations before or by the Occupational Safety and Health Appeals Board (DOSH actions), the California Division of Labor Standards Enforcement (DLSE), the Office of the Labor Commissioner, and the United States Department of Labor (DOL).

Paul frequently counsels employers and management in litigation prevention and compliance issues including leave of absence, accommodation of disabilities, wage and hour, employee discipline and termination, internal investigations, personnel policy issues, and reductions in force. Paul has extensive experience assisting clients concerning employment law issues that regularly present during the merger and acquisition process. He also routinely negotiates and drafts employment, independent contractor, and severance agreements for his clients.

In addition, Paul represents public sector clients in putative and certified class actions relating to the delivery of health care and programs to persons incarcerated in or paroled from state and local correctional facilities. Paul also assists public sector clients in putative and certified class action litigation alleging police department wrongdoing.

Representative Work

Mollard v. Roadrunner Transportation Systems. Obtained complete dismissal of disability and retaliation claims against transportation and logistics company by summary judgment.

Helfter v. Nortech Waste. Obtained complete dismissal of age, disability, retaliation, and wage and hour claims against private waste management

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Practices/Industries

Class Actions
Government
Labor & Employment
Litigation & Dispute Resolution
Transportation & Logistics
Public Sector Litigation
Employment Class Actions

company by summary judgment.

Freeman v. Alameda-Contra Costa Transit District. Defeated class certification in a Fair and Accurate Credit Transactions Act (FACTA) case alleging violation of the credit and debit card "truncation" requirement, in which potential statutory damages to public agency client were \$40 million.

Plata v. Brown. Paul is currently co-counsel with the California Attorney General's office in the Plata v. Brown case. Plata is a class action case against the State of California, including the California Department of Corrections and Rehabilitation (CDCR), concerning the delivery of medical care to California's adult inmate population.

Valdivia v. Brown and L.H. v. Brown. Paul was lead counsel for the State in the Valdivia v. Brown and L.H. v. Brown cases. Paul successfully argued for decertification of the class and the termination of the Valdivia case, a nineteen-year-old class action case that was brought against the State of California challenging the constitutionality of California's adult parole revocation processes. Paul was also lead counsel in the L.H. v. Brown case and orchestrated the termination of the L.H. class action which challenged the parole revocation processes for juvenile offenders in California.

California Furlough Litigation. Paul was co-counsel for the State of California in consolidated litigation relating to California's 2010-2011 budget impasse and the California Department of Personnel Administration's implementation of the Governor's furlough program.

Ranjan v. Patni Computer Systems, Ltd. et al. Paul represented Patni Computer Systems, Ltd., Patni Telecom Solutions, Inc., and iGATE, Inc., in an employment law action alleging, among other things, breach of contract, declaratory relief, intentional misrepresentation, as well as a separate cause of action for interference with a contract against iGATE. Defendants filed a motion to dismiss plaintiff's complaint based upon a forum selection clause. The Alameda County Superior Court granted defendants' motion to dismiss, finding the parties' forum selection clause was enforceable and thus, that it was reasonable for plaintiff to litigate his claims in the High Court of Bombay, India.

Allen, et al. v. City of Oakland, et al. In September 2012, Paul was retained as co-counsel, along with the City of Oakland's City Attorney's office, in this civil rights class action case involving allegations of police misconduct against the City's Police Department. Defense counsel successfully defended against placement of the Police Department into Receivership. Instead, the Federal Court appointed a Compliance Director to assist the City in attaining substantial compliance with the parties' Negotiated Settlement Agreement.

Publications

"California Legislature Passes Bill that Will Permit Shippers to Be Held Jointly Liable for State Labor and Employment Law Violations by Port Trucking Companies," co-author, *The Transportation Lawyer* (December 2018)

"Defusing the Misclassification Risk: The Broker Model What it is and How it Works," co-author, *The Transportation Lawyer* (October 2018)

"California Legislature Passes Bill That Will Permit Shippers To Be Held Jointly Liable For State Labor And Employment Law Violations By Port Trucking Companies" co-author, *Transportation Law Alert* (September 2018)

"The Defend Trade Secrets Act Opens Federal Courts To Claims Of Misappropriation Of Trade Secrets," co-author, *Labor & Employment Law Alert* (May 2016)

"No Fooling: New FEHA Regulations Go Into Effect April 1, 2016," co-author, *Labor & Employment Alert* (March

2016)

"Overtime Class Actions: Alive and Kicking in California," *Employment Law Bulletin* (2004)

Presentations

"The Impact of California's AB 5 and Its Progeny on Transportation Entities and Providers in a Post-COVID-19 World," Transportation Lawyers Association Webinar (November 2020)

"Motor Carriers, Independent Repair Facilities, and the Non-delegable Duty Doctrine," co-presenter, ATA Litigation Center's Virtual Trucking Legal Forum (July 2020)

"Data Privacy and Employment Hot Topics for Transportation Risk Managers, Legal Teams, Insurers and Claims," co-presenter, 2020 USLAW Network Transportation and Logistics Exchange (February 2020)

"Complying with AB5," co-presenter, National Home Delivery Association webinar (January 2020)

"Litigation in County Jails: The New Frontier," co-speaker, 2019 CSAC Annual Meeting (December 2019)

"Trends in Jail Litigation: Strategies to Mitigate Risk and Defend Your Facilities," co-speaker, California Sheriffs' Association (November 2019)

"Opportunities That 'Big Data' Unlocks in Home Delivery," co-speaker, National Home Delivery Association's (NHDA) 2019 Forum (August 2019)

"Wage and Hour Questions: A Practical Legal Guide," co-speaker, ATA Trucking Legal Forum (July 2019)

"The Fate of Independent Contractors," TLA Annual Conference (May 2019)

"Significant Developments in Employment & Labor Law in 2018," American Trucking Associations (August 2018)

"Responding to the Dynamex Decision," National Home Delivery Association (August 2018)

"The Motor Carrier Exemption To The Fair Labor Standards Act," Transportation Lawyers Association (January 2018)

"Independent Contractor Drivers: Maintaining The Independent Contractor Model and Strategies to Avoid Common Pitfalls," co-presenter, 2017 US Law Network Transportation Law Exchange (February 2017)

"Strategies, Rights, and Obligations of Counties Responding to Inmate Advocacy Groups," co-speaker, 2016 CSAC Annual Meeting (December 2016)

"New Employment Law Activity and Employee Lawsuit Prevention," speaker, 3rd Annual National Home Delivery Forum (August 2016)

"The A to Z (Permits) of Providing Transportation," co-speaker, 2016 CALA Spring Conference (June 2016)

"Omnibus California Workplace Developments," co-presenter, Hanson Bridgett Labor & Employment Seminar (January 2015)

"Facility Construction And Liability In A Post Realignment World - Key Legal Issues," Joint Training Partnership, California State Association of Counties (April 2014)

"Corrections & Realignment: Avoiding Litigation," co-speaker, CSAC Annual Conference Innovation Summit (November 2013)

"Correctional Class Action Litigation Following Realignment: Current Trends and Litigation Strategies," co-presenter, County Counsels' Association of California, 2013 Annual Meeting (September 2013)

"Correctional Class Action Litigation: Risks, Prevention, & Litigation Strategies," co-speaker, San Joaquin Valley Regional Association of California Counties (October 2012)

"Compliance in 2013," co-speaker, Filice Insurance Compliance Seminar (January 2013)

"Review of Major Correctional Litigation," National Sheriffs' Association (January 2008)

Professional Affiliations

Transportation Lawyers Association, Executive Committee, Representative-At-Large; Committee on Labor and Human Resources, Co-Chair

National Home Delivery Association, Outside General Counsel

Bar Association of San Francisco

Northern California Human Resources Association

Contra Costa County Bar Association

Education

J.D., University of California, Davis School of Law (1995)

B.A., University of California, Davis (1991)

Admissions and Courts

California

Supreme Court of the United States

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

Paul B. Mello
Partner



U.S. District Court for the Eastern District of California

U.S. District Court for the Southern District of California