



Gary E. Scalabrini

Partner

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Professional Experience

Mr. Scalabrini represents employers in all aspects of labor and employment law, including employment discrimination, harassment, wrongful termination, and wage and hour claims. He has extensive experience in employment litigation, including defending against class action lawsuits. He has served as lead counsel in all phases of litigation, from pre-litigation counseling through trial and appeal, including first chair in jury trials.

Mr. Scalabrini counsels clients in various aspects of human resource management, including employee discipline, employee handbooks, policy review, and claims prevention. He has conducted numerous investigations pertaining to claims of discrimination and sexual harassment. He has lectured extensively on employment issues, including sexual harassment and discrimination. With respect to traditional labor matters, Mr. Scalabrini advises clients in collective bargaining, existing union relations, trust fund obligations, labor disputes, picketing, strikes, and grievances.

Mr. Scalabrini represents employers at the trial and appellate levels of both state and federal courts as well as before the U.S. Equal Employment Opportunity Commission, the National Labor Relations Board, and the California Department of Fair Employment and Housing. He has extensive arbitration experience, including litigation before the arbitrator, confirmation of the arbitration award, and appeal of the award.

Mr. Scalabrini advises public and private entities in negotiating and implementing project labor agreements. He has served as outside counsel in negotiating project labor agreements on behalf of owners, public entities, and contractors, including project labor agreements for construction of a multimillion dollar university expansion project, construction of an electrical substation, and construction of a prison.

Mr. Scalabrini has extensive experience in complex business litigation before both trial and appellate courts.

He provides expertise in a wide variety of issues, including business torts, contract disputes, trade secrets, and unfair competition. Mr. Scalabrini also has experience in contract creation, review, and negotiation in a wide variety of business transactions.

Appellate Court Experience

Mr. Scalabrini has petitioned for review to the California Supreme Court and filed appellate briefs to the United States Court of Appeals for the Ninth Circuit, the United States Bankruptcy Appellate Panel and the California Court of Appeal. Mr. Scalabrini has argued before the Ninth Circuit Court of Appeals, the United States Bankruptcy Appellate Panel and the California Court of Appeal. Reported cases include the following: *Oxbow Carbon & Minerals, LLC v. Department of Industrial Relations*, 194 Cal.App.4th 538(2011); *In re Kaypro (Arrow Electronics, Inc. v. Justus)* 218 F.3d 1070 (9thCir. 2000); *In re Kaypro (Arrow Electronics, Inc. v. Justus)* 230 B.R. 400 (9thCir.BAP 1999).

Practice Areas

- Appellate Law
- Civil Litigation
- Labor & Employment Law

Education

- University of California, Hastings College of the Law (J.D.), San Francisco, CA, 1992
- University of Southern California (B.S., Business Administration, *cum laude*), Los Angeles, CA, 1987

Bar Admissions

- California Bar No. 161902, 1992
- U.S. District Courts Central, Eastern, Northern and Southern Districts of California
- U.S. Court of Appeals 9th Circuit, 1982

Professional Memberships

- State Bar of California
- Member, Labor/Employment Section of the State Bar
- Board member, Scalabrini House, Inc., a non-profit corporation providing housing for the developmentally disabled, 2002 – present
- Board member, Parishioners Federal Credit Union, 2000 –2002

Speaking Engagements

- Speaker, California Prevailing Wage Seminar, Lorman Education, August 28, 2012.
- Speaker, City Attorneys Association of Los Angeles County, Legal Retreat, "New Normal in Labor: Living Wage Ordinances, Project Labor Agreements, and Local Hire Programs," March 10, 2012.
- Speaker, 18th Annual Gibbs Giden Review Preview Construction Law Seminar, January 26, 2012, Topic: Prevailing Wage and Employment Law Update.
- Speaker, California Prevailing Wage Seminar, Lorman Education, August 31, 2011.
- Speaker, 17th Annual Gibbs Giden Review Preview Construction Law Seminar, January 24, 2011, Topic: Project Labor Agreements in 2010/2011.
- Speaker, Associated General Contractors of America, California Chapter, Legal Retreat.
- "A New Revival of Project Labor Agreements? Reassessment of Project Labor Agreements under the Obama Administration," October 2010.

Publications

- Gary E. Scalabrini, (Co-Author) Chapter 13, "Prevailing Wage Law," California Construction Law, 18th Ed. Supplement (Wolters Kluwer Law and Business 2019).
- Gary E. Scalabrini, (Co- Author), *WARNING to California Contractors - Extended Liability for Prevailing Wage Enforcement Actions; How to Mitigate Your Risk*, "Construction Savvy" (May-June 2014 at p. 15).
- Gary E. Scalabrini, California Construction Law – 2007 Edition, Chapter 6 ☒ Prevailing Wages and Project Labor Agreements (HLK Global Communications, Inc., 2007).

Published Opinions

- *Oxbow Carbon & Minerals v. Department of Indus. Relations*, 194 Cal.App.4th 538, 122 (2011)
- *In Re Kaypro Arrow Electric, Inc. v. Justus*, 218 F. 3d 1070 (9th Cir. 2000)
- *Arrow Electric, Inc. v. Justus*, 230 B.R. 400 (9th Cir. BAP 1999)

Representative Matters

- Served as trial counsel for a construction company in action filed in Santa Barbara Superior Court, wherein Plaintiff alleged age discrimination, disability discrimination and wrongful termination in violation of public policy. Jury returned a defense verdict in favor of the construction company.
- Represented an aerospace contractor in action filed in Los Angeles Superior Court, wherein Plaintiff alleged pregnancy discrimination, gender discrimination and wrongful termination in violation of public policy. Successfully moved the trial court to compel arbitration. Following a one-week

arbitration, arbitrator ruled in favor of the Defendant.

- Served as lead counsel for construction company in defeating class certification in wage and hour dispute filed by laborers in Solano Superior Court.
- Served as lead counsel for construction company in defeating class certification in wage and hour dispute filed in Santa Barbara Superior Court.
- Represented an aerospace contractor in action filed in Los Angeles Superior Court, wherein Plaintiff alleged sexual harassment, gender discrimination and wrongful termination in violation of public policy. After Defendant filed appeal of trial court's order denying motion to compel arbitration, Plaintiff stipulated to arbitration. Following a two-week arbitration, arbitrator ruled in favor of the Defendant.
- Represented contractor in action in Ventura Superior Court, wherein Plaintiff alleged, among other claims, violation of the federal Family Medical Leave Act and California Family Rights Act. After trial court granted Defendant's motion for summary adjudication of the issues, the parties settled the remaining claims on favorable terms to the client.
- Represented contractor in action filed in United States District Court for the Central District of California, wherein Plaintiff alleged age and race discrimination. The trial court granted summary judgment in favor of the Defendant contractor.
- Represented individual and corporate defendants in action filed in United States District Court for the Southern District of California, wherein Plaintiff alleged, among other claims, violation of the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"). Trial court granted motion to dismiss the RICO claims.
- Successfully argued before the Ninth Circuit Court of Appeals on behalf of an electronics distributor concerning the appropriate statute of limitations period in a preference action filed under the Bankruptcy Code.
- Obtained a writ of mandate from the California Court of Appeal compelling the Superior Court of California to conduct jury trial on issue of fraud in the inducement.