



John P. Zaimes

PARTNER

John is a highly experienced litigator and counselor who focuses his practice on a wide range of Labor & Employment matters.



Practices

[Complex Litigation](#)
[Labor, Employment & OSHA](#)
[Trade Secrets, Non-Competes & Employee Mobility](#)

Education

Georgetown University Law Center, JD
Northwestern University, MA
University of California, Los Angeles, BA, with honors

Offices

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John regularly defends companies in class action suits, including those claiming violations of California's unique wage and hour laws, as well as the federal Fair Labor Standards Act. He also defends class actions under the Fair Credit Reporting Act (FCRA) and its state analogs, along with the Telephone Consumer Protection Act. John and his team regularly employ aggressive, innovative strategies to bring class actions to an early resolution. His wage and hour litigation experience includes successfully trying to judgment a major suit with statewide implications against the California State Labor Commissioner.

John also has extensive litigation and counseling experience with all manner of employment-related issues, including wrongful termination, wage and hour, harassment, and discrimination claims, as well as OSHA matters and reductions in force. He also frequently handles corporate internal investigations, matters involving covenants not to compete, employee solicitation, and the protection of trade secrets/confidential information.

John's practice includes helping companies protect their valuable confidential information and trade secrets by designing, implementing, and maintaining policies and practices that do so within the context of the federal Defend Trade Secrets Act, the Uniform Trade Secrets Act, and California's heavy restrictions on non-compete and non-solicitation provisions. His practice also involves litigating on behalf of companies seeking to enforce their confidential information, trade secret, and non-compete/non-solicitation agreements, including seeking to enjoin and collect damages from companies and individuals who violate those agreements.

Client Work

Among the clients John represents are manufacturers, food processors and distributors, airlines, credit and related reporting agencies, financial services companies, retailers, life sciences companies, hospitality industry clients, and sales and service organizations.

Representative Experience

Over his years of litigation, John has been involved in a number of published precedents, including:

- Two United States Supreme Court opinions:
 - *Meghrig v. KFC Western, Inc.*, 516 U.S. 479 (1996) (Resource Conservation and Recovery Act)
 - *Cory v. Western Oil & Gas Assn.*, 471 U.S. 81 (1985) (Commerce Clause)
- The California District Court of Appeal's 2009 wage and hour class action precedent, *Hernandez v. Vitamin Shoppe Industries*, 174 Cal. App. 4th 1441 (2009)
- Several federal court wage and hour class action precedents:
 - *Goldthorpe v. Cathay Pacific Airways Ltd.*, 279 F. Supp. 3d 1001 (N.D. Cal. 2016)
 - *Harris v. Vector Marketing Corp.*, 753 F. Supp.2d 996 (N.D. Cal. 2010) (FLSA collective action certification)
 - *Harris*, supra, 716 F.Supp.2d 835 (N.D. Cal. 2010) (Conditional FLSA collective action certification)
 - *Harris*, supra, 656 F.Supp.2d 1128 (N.D. Cal. 2009) (Summary judgment in class action/collective action)
- Lead trial and litigation counsel in the following additional published decisions:
 - *Harris v. Vector Marketing Corp.*, 2012 WL 381202, NO. C-08-5198 EMC (N.D. Cal., 2012)
 - *Harris v. Vector Marketing Corp.*, 2011 U.S. Dist. LEXIS 148034, NO. C-08-5198 EMC (N.D. Cal., 2011)
 - *Harris v. Vector Marketing Corp.*, 2011 WL 4831157, NO. C-08-5198 EMC (N.D. Cal., 2011)
 - *Harris v. Vector Marketing Corp.*, 2011 WL 1627973, NO. C-08-5198 EMC (N.D. Cal., 2011)
 - *Harris v. Vector Marketing Corp.*, 2010 WL 3743532, NO. C-08-5198 EMC (N.D. Cal., 2010)
 - *Harris v. Vector Marketing Corp.*, 2010 WL 2077015, NO. C-08-5198 EMC (N.D. Cal., 2010)
 - *Harris v. Vector Marketing Corp.*, 2010 WL 56179, NO. C-08-5198 EMC (N.D. Cal., 2010)
 - *Harris v. Vector Marketing Corp.*, 2009 WL 4050966, NO. C-08-5198 EMC (N.D. Cal., 2009)
 - *Harris v. Vector Marketing Corp.*, 2009 WL 3710696, NO. C-08-5198 EMC (N.D. Cal., 2009)
- The landmark 2007 consumer credit reporting act decision, *Trujillo v. First American Registry*, 157 Cal. App. 4th 628 (2007)
- The 2003 employment discrimination precedent on the "stray remarks" doctrine, *Gibbs v. Consolidated Disposal Service, Inc.*, 111 Cal. App. 4th 794 (2003)
- The CERCLA summary judgment opinion in *Carson Harbor Village, Ltd., v. Unocal Corporation*, 287 F.Supp.2d 1118 (C.D. Cal. 2003)

Other representative matters include:

- *Tumampos v. Cathay Pacific Airways, Ltd.*: Putative class action on behalf of airline flight attendants alleging violations of numerous California Labor Code provisions. John and his team moved to dismiss the majority of plaintiffs' claims under the Extraterritoriality Doctrine, which denies application of California law to employees who primarily work outside California. The plaintiffs and putative class members fly directly from LAX or SFO to Hong Kong and back, and thus work primarily outside California. The court granted the motion, and the case was resolved soon thereafter.
- *Sultan v. Medtronic, Inc. and Mitchell v. Medtronic, Inc.*: Class action alleging failure to pay overtime based on improper calculation of Regular Rate of Pay and also alleging violation of California's meal period statute. John and his team first succeeded in eliminating the overtime claim through a motion to dismiss and later defeated a motion for class certification of the remaining meal period claims. The case also effectively utilized a strategy of settling with individual putative class members before class certification, as authorized by California case law. Class certification in Sultan was later denied and affirmed on appeal to the Ninth Circuit Court of Appeals. Mitchell was also appealed to the Ninth Circuit and affirmed in favor of Medtronic.

Steeger v. PetSmart, Inc.: FLSA nationwide collective action and Rule 23 class action alleging violations of wage and hour laws in five states. John and his team employed an aggressive, innovative strategy to resolve 85% of the putative class claims early on, following which the case was settled for a low figure.

- *Laticrete International v. Mapei, Inc., et. al.*: This trade secret case involved two employees who left Laticrete's employ to work for a direct competitor, taking with them significant amounts of Laticrete's trade secret information. John and his team promptly obtained a Temporary Restraining Order to prevent the use of that trade secret information and to require its return to our client, and he later convinced the court to issue a Preliminary Injunction against all defendants.
- *Harris v. Vector Marketing Corporation*: This "bet the company" class action alleged violations of the federal Fair Labor Standards Act and the California Labor Code premised on claimed misclassification of over 60,000 independent contractors. John defeated several attempts to expand the geographic and substantive scope of the case, and also succeeded in having the case pared down through a motion for summary adjudication and a motion for judgment on the pleadings. The case was then resolved via settlement.
- *Perry, et al. v. The Vitamin Shoppe*: This class action, claiming misclassification of store managers and failure to provide meal and rest periods, was one of three similar class actions filed by three separate attorneys in three separate California state courts. John was able to bring one of the cases, Perry, to early mediation, thereby foreclosing any recovery in the other two related cases. The attorneys in the two remaining cases embarked on a campaign to try to undo the settlement of the Perry case. John fended off these attempts, and final approval of the settlement was granted in December 2007. That judgment, and a related ruling concerning misconduct by one of those counsel, was affirmed by the court of appeal in a published opinion (*Hernandez v. Vitamin Shoppe Industries*, 174 Cal. App. 4th 1441 (2009)).
- *Espinoza v. Bodycote Thermal Processing, Inc. and Perea v. Bodycote Thermal Processing, Inc.*: John and his team again employed an aggressive, innovative strategy to resolve roughly 90% of the potential claims early on through settlement. Plaintiffs and their counsel refused to acknowledge the validity of those settlements, but he convinced the Court to issue an order approving the settlements as valid. He also defeated a motion to have the Private Attorney General Act (PAGA) claims tried to a jury and a motion by plaintiffs to recover "catalyst" attorneys' fees. The plaintiffs agreed to settlement the remaining 10% of their potential claims on the eve of a motion for significant sanctions.
- *Diaz v. First Advantage Corporation*: This class action alleged violations of California's Investigative Consumer Reporting Agencies Act (a state law analogue of FCRA) for failure to provide accurate background checks. John and his team prevailed on a motion to dismiss the key class action allegations, which led to resolution of the remaining individual claims through settlement on terms very favorable for the client.
- *Solar Turbines v. Division of Labor Standards and Enforcement*: Declaratory relief suit against the California State Labor Commissioner over interpretation of the Alternative Workweek provisions of California's wage and hour laws. Following a bench trial, John prevailed on all counts, validating his client's interpretation in a case with statewide implications.

Previous Work

Prior to joining ArentFox Schiff, John was a partner at two large international law firms.

Professional Activities

State Bar of California, Labor & Employment Law Section, Member

Publications, Presentations & Recognitions

John has earned an AV Preeminent rating from *Martindale-Hubbell*, meeting the highest criteria for legal ability and professional ethical standards. He has also been selected by his peers as one of Southern California's "Super Lawyers" multiple times from 2005-2019 and by *The Legal 500* (2023).

The Labor and Employment Group has also been ranked by *The Best Lawyers in America* both nationally and as part of their Metropolitan Tier 1 rankings.

John's articles, publications and speaking engagements include:

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- [California Rules ABC Independent Contractor Test Applies Retroactively](#), ArentFox Schiff Alert, January 22, 2021
- [DOL Announces Final Rule To Distinguish Between Employees and Independent Contractors](#), ArentFox Schiff Alert, January 7, 2021
- [Federal Circuit Court of Appeals Makes Waves For Post-Employment Invention Assignment Provisions](#), ArentFox Schiff Alert, December 3, 2020
- [California's Occupational Safety and Health Standards Board Approves Temporary Regulations To Stop the Spread of COVID-19](#), ArentFox Schiff Alert, co-author, December 2, 2020
- [US Department of Labor Proposes New FLSA Rule to Distinguish between Employees and Independent Contractors](#), ArentFox Schiff Alert, co-author, September 23, 2020
- [California Expands Workers Compensation Coverage for COVID-19 Cases and Provides CAL OSHA With Greater Authority to Address Potential Exposures](#), ArentFox Schiff Alert, co-author, September 23, 2020
- [WARNING: More Changes to AB 5 Independent Contractor Law](#), ArentFox Schiff Alert, co-author, September 15, 2020
- [New CA Laws on Gender Disparity, Sexual Harassment in the Workplace Take Effect in New Year](#), Legal Update, co-author, December 14, 2018
- [CFPB Releases New Version of Model FCRA Summary of Rights Form](#), Legal Update, co-author, October 23, 2018
- [A Global Guide to Employee Data Privacy](#), E-Book, co-author, Published in November 2018
- [Ban the Box and Sex Offenses: To Hire or Not to Hire](#), NAPBS, Presentation & Bylined Article co-author, May/June 2018
- [California Supreme Court Makes It More Difficult to Classify Workers as Independent Contractors by Adopting Broad, Worker-Friendly Test](#), Legal Update, co-author, May 09, 2018
- [New California Laws Take Effect January 1](#), Legal Update, co-author, January 02, 2018
- [New California Regulations Limit Employers' Use of Criminal Background Checks](#), Legal Update, co-author, August 29, 2017
- [A Global Guide to Retirement Plans & Schemes](#), E-Book, co-author, July 2017
- [A Global Guide to Background Checks \(2015\)](#), E-Book, co-author, 2016
- [Monitoring employee communications: what's the story?](#), Legal Update, co-author, January 19, 2016
- [Amendment to California's Sick Leave Law: The Healthy Workplaces, Healthy Families Act of 2014](#), Legal Update, co-author, July 29, 2015
- [US Supreme Court Rules Employers Do Not Need to Pay Employees For Post-Shift Time in Security Lines](#), Legal Update, co-author, December 16, 2014
- [US Employment Litigation Round-Up](#), Newsletter, co-author, January - December 2014
- [Recent Appellate Decisions Underscore That Wage and Hour Class Actions are Alive and Well in California Despite Brinker](#), Blog, co-author, January 02, 2014
- [Wage and hour class actions are alive and well in California](#), *Daily Journal*, author, December 17, 2013
- [Recent Developments In State Wage Theft Prevention Statutes](#), Legal Update, co-author, September 09, 2013
- [9th Circuit joins chorus against NLRB ruling](#), *Daily Journal*, author, August 29, 2013
- [Critical differences in federal and state mediation privilege](#), *Daily Journal*, author, June 26, 2013
- [Federal District Court Says That Plaintiffs Bringing Representative Claims Under California's Private Attorney General Act Don't Have To Seek Class Certification](#), author, February 07, 2013
- [Federal District Court Says That Plaintiffs Bringing Representative Claims Under California's Privacy Attorney General Act Do Not Have to Seek Class Action Certification](#), author, February 07, 2013

co-author, February 07, 2013

- [How Much Discovery From Opt-Ins in FLSA Collective Actions Should Businesses Seek?](#), co-author, January 14, 2013
- [New California Employment Laws](#), Legal Update, co-author, January 14, 2013
- [California Court of Appeal Upholds Time Entry Rounding in Wage and Hour Class Action](#), author, November 14, 2012
- [Current Issues in Internal Corporate Investigations](#), author, 2012 - 2013
- [California Employers Provide Meal Periods by Making Them Available but Need Not Ensure That Employees Take Them](#), Legal Update, co-author & webinar host, April 18, 2012
- [LITIGATIONWeek: This Week in California Litigation](#), Legal Update, co-author, March 16, 2012
- [Overtime Lawsuits: Are You At Risk?](#), *Workforce Magazine*, quoted source, September 30, 2011
- [Take a Vacation From Smartphones and Overtime Laws](#), *HR Hero*, quoted source, June 12, 2009
- [LA Metrolink Crash Puts Focus on Dangers of Texting](#), *Christian Science Monitor*, quoted source, September 17, 2008
- [California's New Hands-Free Law Employer's Potential for Leal](#) by John P. Zaines, *Association of Corporate Counsel*, author, September 11, 2008
- [Effective Reductions in Force Require Delicate Handling](#), *California Executive*, quoted source, July 28, 2008
- [Lawyers Up in Arms Over Landmark Wage Ruling](#), *Law360*, quoted source, April 17, 2007
- [Keeping Track of Cyberslackers Web and E-mail Monitoring by Bosses Becoming Common in the Workplace](#), *San Francisco Chronicle*, quoted source, October 11, 2004

Bar Admissions

[California](#)

Court Admissions

[US Supreme Court](#)

[US Court of Appeals, 9th Circuit](#)

[US District Court, Central District of California](#)

[US District Court, Eastern District of California](#)

[US District Court, Southern District of California](#)

[US District Court, Northern District of California](#)

[US District Court, Northern District of Texas](#)

[US District Court, Southern District of New York](#)

[US District Court, Eastern District of Wisconsin](#)

[US District Court, District of Maryland](#)

[US District Court, Northern District of Illinois](#)