



## David M. Prager

Associate

### Los Angeles

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**DAVID M. PRAGER** is an Associate in the Employment, Labor & Workforce Management practice, in the Los Angeles office of Epstein Becker Green. In 2020, Mr. Prager was selected to the *Southern California Rising Stars* list in the areas of Employment & Labor: Employer and Civil Litigation: Defense.

Mr. Prager:

- Advises on and litigates unfair competition, non-compete, and trade secret matters, including disputes involving the misappropriation of trade secrets by former employees
- Defends management in discrimination, harassment, retaliation, wrongful termination, and wage and hour matters, including individual and class action lawsuits, in state and federal courts and before arbitration tribunals and administrative agencies
- Counsels employers on personnel issues, including employee hiring, discipline, termination, accommodation, leaves of absence, wage and hour compliance, and the preparation of employee handbooks and personnel policies

Before joining Epstein Becker Green, Mr. Prager was an attorney at a regional law firm, where he focused on management-side labor and employment law and complex business litigation. Previously, he was an attorney at a West Coast law firm, where he primarily handled defense work in business and commercial litigation and employment matters.

### Representative Experience

- Defeated two requests for a temporary restraining order and a motion for a preliminary injunction on behalf of a consulting company and its principals in a trade secret/non-compete dispute (2015)
- Obtained a judgment on behalf of a client against a former high-level employee accused of unfair competition, breach of duty of loyalty, breach of contract, and the misappropriation of trade secrets (2016)

- Obtained a dismissal for waiver of costs of a wage and hour class action alleging a missed second meal period and missed rest breaks (2016)
- Secured a dismissal of claims for retaliation, missed meal breaks and rest periods, improper wage statements, and extortion on behalf of a client in a single-plaintiff matter (2017)
- Successful motion to dismiss, with prejudice, of a federal putative class action against health care provider in a case of first impression (2018)
- Obtained summary judgment in federal court on whistleblower retaliation claims by former officer and director of client (2019)
- Obtained voluntary dismissal of entire action in FEHA discrimination case by filing Code of Civil Procedure §128.7 motion for sanctions against plaintiff (2019)
- Successful motion to dismiss \$300 million federal putative class action against financial institution, affirmed on appeal (2020)

## **Education**

- University of California, Hastings College of the Law (J.D., cum laude, 2010)
- University of California, San Diego (B.S. and B.A., 2006)

## **Bar Admissions**

- California

## **Practice Areas**

- Business Litigation
- Class Actions
- Employment Litigation
- Employment Training, Practices, and Procedures
- Trade Secrets & Employee Mobility
- Wage and Hour

## **Industries**

- Health Care and Life Sciences Industry
- Financial Services
- Retail
- Technology, Media & Telecommunications

## **Court Admissions**

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### **Memberships**

- Los Angeles County Bar Association
- L.A. LEGGERS, President; Board of Directors