



## Jonathan M. Brenner

Member of the Firm

### Los Angeles

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**JONATHAN M. BRENNER** is a Member of the Firm in the Employment, Labor & Workforce Management practice in the Los Angeles office of Epstein Becker Green. He represents employers from a wide range of industries, including, among others, financial services, health care, retail, insurance, performing arts, and professional services, as well as academic institutions.

Mr. Brenner's experience includes:

- Litigating the full range of employment disputes on behalf of management and employers before state and federal courts, in alternative dispute resolution venues, and before state and federal administrative agencies
- Representing clients in actions alleging race, age, sex, sexual orientation, and disability discrimination; sexual harassment; wrongful termination in violation of public policy; breach of employment contract; whistleblower retaliation; and related tort and contract claims
- Handling wage and hour class, collective, and representative actions brought under the California Labor Code, the federal Fair Labor Standards Act (FLSA), and the California Private Attorney General Act (PAGA)
- Litigating actions for benefits under ERISA, unfair labor practice charges under federal labor law, and class actions regarding background checks under the Fair Credit Reporting Act and analogous state laws
- Litigating restrictive covenant and misappropriation disputes involving former and recently hired employees in single- and multi-jurisdiction actions
- Advising employers on wage and hour compliance, employee leave requirements, workplace investigations, the preparation of employee handbooks and personnel policies, the reasonable accommodation process under the Americans with Disabilities Act (ADA) and California disability law, the use of arbitration agreements, and the use of non-compete agreements to protect employer business interests, among many other things
- Providing advice to management on employee terminations, including high-level and sensitive employee separations and the implementation of layoffs and reductions in force

- Counseling and representing colleges and universities in the full and often unique range of issues applicable to academic institutions
- Advising companies involved in corporate merger, acquisition, and divestiture transactions on employment-related and restrictive covenant issues

Before joining Epstein Becker Green, Mr. Brenner was a Partner in an international law firm's West Coast Employment and Labor practice and a member of that firm's Office of General Counsel.

Mr. Brenner was named among *The Best Lawyers in America*® (2016 to 2018) in Employment Law Management and Labor & Employment Law.

### **Education**

- University of California, Hastings College of the Law (J.D., magna cum laude, 1992)
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- University of California, San Diego (B.A., with distinction, 1988)

### **Bar Admissions**

- California

### **Practice Areas**

- ADA and Public Accommodations
- Class Actions
- Employment Litigation
- Employment Training, Practices, and Procedures
- ERISA and Benefit Plan Litigation
- Labor Management Relations
- Mergers, Acquisitions & Divestitures
- Trade Secrets & Employee Mobility
- Wage and Hour
- Whistleblowing and Compliance

### **Industries**

- Financial Services
- Health Care and Life Sciences Industry
- Retail

### **Court Admissions**

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern 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, Labor and Employment Law Section
- State Bar of California, Labor and Employment Law Section

## **Representative Matters**

Mr. Brenner has enjoyed frequent success as a litigator. Highlights of his accomplishments include the following:

- Denial of certification in a putative class action brought by union musicians against a major California performing arts center alleging breach of collective bargaining agreement, violation of the duty of fair representation, and unfair labor practices, followed by summary judgment against the named plaintiffs and a complete dismissal of the action
- Denial of certification in a putative wage and hour class action alleging meal and rest break, overtime, and off-the-clock violations brought against a major retailer
- Judgment in favor of a college in three administrative mandamus actions brought by students in California Superior Court challenging the investigation, hearing process, and outcome in separate Title IX sexual assault cases
- Individual settlements and the dismissal of class and collective action claims in a nationwide FLSA action brought in Florida district court against a major health care company
- Order for arbitration in New York and stay of further proceedings in California civil court in a bonus and contract action brought by a former California employee against a major private equity firm; a favorable settlement was obtained thereafter
- Dismissal with prejudice at the pleading stage of a lawsuit brought by a student against a university alleging a failure to accommodate in violation of the ADA and the Unruh Civil Rights Act and intentional infliction of emotional distress, among other things
- Voluntary dismissal of class claims by the named plaintiff in a putative class action alleging improper background checks under federal and state law against a large health care company

- Voluntary dismissal of class claims by the named plaintiff in a putative class action alleging improper background checks under federal and state law against a large food services franchisor
- Summary judgment and the complete dismissal of an action alleging breach of employment contract and wrongful termination without cause that was brought by a high-level executive against a major insurance services company
- Pre-hearing dismissal in the arbitration of a breach-of-contract action brought against a food services company; the dismissal was upheld on appeal
- Verdict in favor of the defendant after a trial on claims brought by the federal government alleging misallocation and misclassification of employment settlement proceeds for tax purposes
- Voluntary walk-away settlement with the plaintiff from putative class claims for alleged meal and rest break, off-the-clock, and business expense reimbursement violations
- Voluntary walk-away settlement with the plaintiff alleging wrongful termination in violation of public policy, breach of contract, retaliation, and defamation

## News & Publications

December 2017

### **2017 Wrap-Up & Heads-Up: The Top Workforce Management Issues of 2017**

*Take 5 Newsletter*

December 21, 2017

### **Another Tidal Wave of New California Laws Will Impact Employers in 2018 and Beyond**

*Act Now Advisory*

December 4, 2017

### **Employment Law This Week®: New Minimum Wage Ruling, NYC's Paycheck Deduction Law Challenged, Top Compliance Concerns, Fiduciary Rule Delayed**

*Episode 96: Week of December 4, 2017*

November 22, 2017

### **Jonathan Brenner Quoted in "Hustling to Hire Seasonal Workers in California? Know the Applicable Laws"**

*SHRM.org*

October 20, 2017

### **California's Ban on Salary History Inquiries: New Law Brings Changes to the Job Application and Hiring**

**Process**

*Act Now Advisory*

October 20, 2017

**Advisory on Salary History Inquiries Featured in *Practical Law***

*Thomson Reuters Practical Law*

September 2017

**The Ground Continues to Shift in Wage and Hour Law**

*Take 5 Newsletter*

July 10, 2017

**Employment Law This Week®: Obama-Era Overtime Rule, EEOC Chair Nominee, Wage and Hour Opinion Letters, Tipping Rule**

*Episode 79: Week of July 10, 2017*

July 5, 2017

**Jonathan Brenner Featured in "Workflows: Law Firm News for July 5, 2017"**

*Bloomberg BNA Daily Labor Report*

June 27, 2017

**Jonathan Brenner Featured in "Round Up...Bringing In Laterals"**

*Bloomberg Law*