



## William O. Stein

Member of the Firm

### Los Angeles

1925 Century Park East  
Suite 500  
Los Angeles, California 90067  
Tel: 310-557-9558  
Fax: 310-553-2165

[wstein@ebglaw.com](mailto:wstein@ebglaw.com)

---

**WILLIAM O. STEIN** is a Member of the Firm in the Litigation and Employment, Labor & Workforce Management practices, in the firm's Los Angeles office.

Mr. Stein's experience includes the following:

- Represents employers before state and federal courts, arbitrators, and administrative agencies in all aspects of employment litigation, including wrongful termination, sexual harassment, and discrimination actions
- Prosecutes and defends complex business disputes, including unfair competition and trade secret actions

Some of Mr. Stein's recent representative matters include:

- Successfully defended a sports apparel client in arbitration on claim of disability discrimination
- Won summary judgment for medical company on claim for sexual harassment
- Won summary judgment on claims for pregnancy discrimination and retaliation for international cosmetics company
- Won summary judgment for pharmaceutical company on claims for disability discrimination and retaliation
- Won summary adjudication for transportation company on claims for sexual harassment, racial discrimination and harassment, wrongful termination, and defamation
- Successfully defended pharmaceutical company in arbitrations arising out of a severance plan
- Won summary judgment for a pharmaceutical company on claims for wrongful termination and violation of ERISA
- Successfully defended communications company in arbitrations regarding discipline and termination under collective bargaining agreement

- Won summary judgment for credit card/payment processing company on claims for breach of contract and negligence
- Won summary adjudication for transportation company on claim of disability discrimination

Mr. Stein's previous experience includes clerking for the Honorable Robert J. Kelleher in the United States District Court, Central District of California, and serving as counsel to the Webster Commission which investigated the Los Angeles Police Department's policies and response to the Los Angeles Riots in 1992.

Mr. Stein has been selected to the *Southern California Super Lawyers*list (2009, 2010, 2013, 2014) in the areas of Employment & Labor and Business Litigation.

### **Education**

- Loyola Law School (J.D., 1990)
- University of California (B.A., 1987)
  - Los Angeles

### **Bar Admissions**

- California

### **Practice Areas**

- Business Litigation
- Employment Litigation
- Labor & Employment Litigation
- Non-Competes, Unfair Competition, and Trade Secrets
- Wage and Hour

### **Industries**

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

### **Court Admissions**

- California Federal Courts
- California State Courts
- U.S. District Court, District of Colorado

## News & Publications

January 26, 2017

**William Stein Quoted in "7 Myths About National Origin Discrimination"**

*SHRM.org*

January 13, 2016

**California Toughens Its Fair Pay Act in 2016: An Extended Interview with William Stein**

*Employment Law This Week*

January 11, 2016

**Employment Law This Week: New California Laws, Minimum Wage Increases, Women's Equality Act, Muslim Discrimination**

*Episode 10: Week of January 11, 2016*

## Videos

*Click above or watch via [YouTube](#), [Vimeo](#), [MP4](#), or [WMV](#).*

*[Employment Law This Week](#) (January 11, 2016) has released bonus footage of its interview with **William O. Stein**, a Member of the Firm at Epstein Becker Green.*

As Mr. Stein discusses, a new amendment to California's "Fair Pay Act" has toughened the state's existing equal pay law. The old law prohibited gender-based pay differentials for employees doing equal work in the same establishment. The law now requires equal pay for male and female employees who do "similar work" under "similar working conditions." This means that the law may no longer take into account varying cost of living in different areas of the state.

## Case Studies

**Epstein Becker Green Persuades California Court of Appeal to Uphold the Right to Contractual Arbitration Against Wage Claims By Independent Contractor**

Epstein Becker Green ("EBG") achieved a significant victory in the California Court of Appeal for its clients Prime Time Shuttle, Inc., and Rideshare Airport Management, LLC, on a motion to compel arbitration. In this case, *Khalatian v.*

*Prime Time Shuttle, Inc. et al.*, 2015 Cal. App. LEXIS 498 (Cal. App. 2d Dist. May 15, 2015), the plaintiff, an owner-operator driver, alleged that the defendants misclassified him as an independent contractor and, thus, failed to pay him all wages due, among other alleged violations of California's wage and hour laws and Unfair Competition Law.

When EBG took over the case from predecessor counsel, a motion was made to compel arbitration pursuant to the arbitration provision in the parties' services contract. The trial court denied Prime Time and Rideshare's motion. The trial court ruled that the plaintiff's wage and hour claims were based on statute, the California Labor Code, and therefore were not arbitrable, and that the defendants waived arbitration.

In cases where plaintiffs alleged that they were misclassified as independent contractors and denied unpaid wages and other obligations owed to employees, California courts have held that Labor Code claims are based on statutory rights, not a contract between the parties. Courts have held that Labor Code claims are not subject an arbitration agreement because the claims do not "arise out of or relate to" the parties' services contract. (See *Hoover v. American Income Life Ins. Co.* (2012) 206 Cal.App.4th 1193, 1206-1208, and *Elijahjuan v. Superior Court* (2012) 210 Cal.App.4th 15, 23-24.)

However, an exception to California's rule against arbitration of statutory wage claims exists when the arbitration agreement is governed by the Federal Arbitration Act ("FAA"). The FAA preempts any contrary state rule restricting arbitration. EBG appealed the trial court's ruling and successfully persuaded the Court of Appeal that the FAA applied to the plaintiff's claims. Unlike the defendants in *Hoover* and *Elijahjuan*, Rideshare presented ample evidence that the parties' contract affected interstate commerce, resulting in the FAA's preemption of any contrary California rule preventing arbitration, and that the plaintiff's claims did, in fact, arise out of or relate to in the parties' services contract. EBG also successfully persuaded the Appellate Court that the defendants did not waive arbitration. On May 1, 2015, the Court of Appeal reversed the trial court's ruling in full, and on June 9, 2015, the Court of Appeal granted EBG's request to publish its Opinion.

This victory is important in upholding the defendants' right to contractual arbitration. In addition, this published Opinion provides favorable precedent for alleged employers defending against wage and hour claims by independent contractors and provides guidance on drafting arbitration agreements with independent contractors.

The EBG team representing Prime Time and Rideshare included David Jacobs, William O. Stein, and Rhea G. Mariano.