



**Gilles, Rosenthal, Johnson
Rovella, Retterer & Sullivan
L+G LLP, Attorneys at Law**

L+G Newsletter - January 2017



Happy New Year!



Jeff Gilles
Founding Partner

"2016 was an amazing year. First, we owe our client's a big thank you. Second, our staff is the best and all of our attorneys know that a great staff makes any problem manageable.

"Thank you for making 2016 an unbelievable year. 2017 will also be a fantastic year due to the culture of teamwork created at L+G, LLP. Thank you all for joining me in wishing all of your and all of our clients a healthy and prosperous 2017."

A Very Special Honor for L+G's Paul Rovella

L+G Attorneys congratulates partner Paul Rovella on being honored as the **San Benito County Chamber of Commerce's Man of the Year**. Paul is a dedicated supporter of the local community and a member of the San Benito County Arts Council, Farm Bureau, Cattleman's Association and Heritage Foundation. He is also an active supporter of the San Benito County Fair.

The amount of time Paul finds in his busy schedule to lend a hand to his community and support local commerce is truly admirable. He will be honored alongside County Supervisor Margie Barrios at an awards dinner in January.



Congratulations on this well-deserved honor, Paul!

We're Multi-Million Dollar Advocates for You!



L+G's personal injury team includes members of the **Million Dollar Advocates Forum** and the **Multi-Million Dollar Advocates Forum**. Membership in these organizations is restricted to attorneys who have won million-dollar and multi-million dollar settlements. Fewer than 1% of U.S. lawyers are members.

Mark your calendars! L+G, LLP Attorneys at Law invites you to wear red in honor of **National Wear Red Day!**

Celebrate National Wear Red Day with Go Red For Women on **Friday, February 3, 2017** to help fight women's No. 1 killer-heart disease.

The legal team at L+G, LLP Attorneys at Law will be wearing red all day! The law offices will also be hosting a National Red Day Benefit at Zeph's One Stop located at 1366 South Main Street in Salinas on Friday, February 3, 2017 from 5 - 6:30 p.m.

Wear red, make a \$20.00 donation to the American Heart Association and the team at L+G, LLP Attorneys at Law will treat you to a glass of red wine and nibbles at Zeph's One Stop. Additional glasses of wine can be purchased throughout the event.

Heart disease is the No. 1 killer of women in the United States, causing 1 in 3 deaths each year. For more than 10 years, the American Heart Association has sponsored National Wear Red Day® to raise awareness in the fight against heart disease in women.





Meet the Team: Brad Sullivan

Brad Sullivan is a partner, Hollister branch manager and leader of L+G's **Recall Ready Team**. Brad has been involved in more than fifty jury trials, successfully representing individuals, corporations and public agencies not only on the Central Coast, but state-wide and nationally in the area of food safety and foodborne illness litigation.

Brad has been involved in most major foodborne illness outbreaks on the West Coast over the past fifteen years, as well as representing clients in recalls and market withdrawals that did not result in illnesses.

In addition to his legal career, Brad conducts training sessions in food safety and is a featured speaker at conferences around the country. He is frequently interviewed and quoted in coverage of foodborne illness stories in outlets ranging from The Salinas Californian to NPR.

Brad is a fifth generation Californian, whose family still owns one of the state's oldest family farms - Jack Tone Ranch. He enjoys bicycling and sports.



Liability of Corporate Individuals for Labor Code Violations under the new Fair Day's Pay Act

By Sergio Parra

A strong reason for establishing a corporation or limited liability company is to attain protection against personal liability as the result of the company's debts or liabilities. While it is traditionally true that the corporate form provides direct protection for owners, directors and officers, California courts are increasingly holding owners liable for labor code violations.



Sergio Parra

This trend led to the enactment of California's so-called "A Fair Day's Pay Act" on Jan. 1, 2016, which formalized and extended the case law even further.

Labor Code Section 558.1 now holds that "any owner, director, officer, or managing agent of the employer" that is "acting on behalf of an employer" who violates, or causes certain wage and hour laws to be violated, may be held liable as the employer for such violation.

This expanded liability encompasses most of the common wage and hour violations, such as overtime, minimum wage, pay stub violations, meals and rest periods, and failure to reimburse business expenses, as well as waiting time penalties. A "managing agent" under Civil Code 3294 is one who exercises substantial discretionary authority over decisions that ultimately determine corporate policy. In most cases, personal liability would not reach payroll managers and may not reach HR managers. From the employee/plaintiff's point of view, individual defendants are chosen for their deep pockets or for their control of the litigation.

Because of this, owners (including directors, officers and managing agents) of corporate entities must be cognizant that if they are wrongly directing employees in regards to work schedules, wages etc., that they may be unknowingly creating liability for themselves as individuals. If possible, owners etc., should train and rely upon its work supervisors and HR staff to supervise wage/hour compliance. This new liability risk should provide even more incentive for businesses to have strong employment policies in place and to review their labor and employment practices on an annual basis to avoid liability in the first place.

If you would like to learn more about this topic or need assistance with any labor and employment matter, please contact Jim Sullivan or Sergio H. Parra

L+G Client Testimonial

"I am writing to let you know how impressed I am with your firm in regard to the food safety litigation that you handled for us. I do not think that anyone at our company was necessarily prepared for the food safety litigation in which we were involved several years ago.



"In working with your firm to resolve the litigation, I received practical and timely advice and solid legal recommendations that helped us to finally settle the various lawsuits. You and your attorneys have always been available to help, even in the evening and on weekends.

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