



## Yesenia M. Gallegos

Partner

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Yesenia focuses her practice in labor and employment matters, including advising small business owners to *Fortune* 500 Companies in areas such as:

- Restrictive covenants – protection of trade secret information and prosecuting and defending against claims involving trade secret misappropriation
- Defending against attempts to enforce a noncompete agreement in the state of California
- Wage and hour law
- Discrimination and harassment claims
- Executive employment agreements
- Leaves of absence
- Employee terminations
- Reductions in force (WARN Act, Cal WARN Act)

She represents employers in employment litigation (including class actions) pending in state and federal court. She also represents employers in actions against former employees in trade-secret and embezzlement actions that require immediate restraining orders, injunctions and/or liens. She also assists employers in establishing work rules and registering those work rules with local labor regulatory agencies in countries throughout Latin America.

In addition, Yesenia conducts and oversees workplace investigations of harassment and discrimination, conducts wage & hour audits and provides organizations with training (in English or Spanish) in the following areas:

- Sexual harassment prevention
- Employment law for managers and supervisors
- Compliance with California wage and hour law
- The interplay between disability law, reasonable accommodations and leaves of absence

Yesenia's recent representative matters include:

- Obtained a court order dismissing a program director of a nonprofit academic organization when both she and the school were sued by a former employee alleging retaliation, intentional infliction of emotional distress, among other claims.

- Obtained declaratory judgment in favor of a California technology company and successfully opposed its competitor company's efforts to enforce a noncompetition provision that would have precluded the California company from employing an executive who had previously been employed by the competitor (a non-California based company).
- Obtained a judgment in favor of a global commercial battery manufacturer and service provider in a disability discrimination and failure to accommodate case filed by a former employee pursuant to the California Fair Employment and Housing Act by establishing that the employee was terminated in compliance with the employer's non-discriminatory leave of absence policies, and by demonstrating that the plaintiff could not meet his burden of establishing that the employer's decision was motivated by discriminatory animus.
- One of two partners who represented CLS Transportation in the pivotal wage and hour class action *Iskanian v. CLS Transportation Los Angeles*, wherein the California Supreme Court held that *Concepcion v. AT&T* overruled the state's Supreme Court decision in *Gentry v. Superior Court*, affirming the decision that class action waivers in employment arbitration agreement are enforceable.
- Successfully appealed the California Employment Development Department's tax and penalty assessment levied against a California employer resulting in an 85 percent reduction in penalties.
- Obtained judgment in favor of a national retail corporation sued by a former employee claiming disability discrimination, failure to engage in interactive process and failure to accommodate.

Yesenia also serves as co-chair of the firm's Diversity Committee.

### **Before Fox Rothschild**

Prior to joining the firm, Yesenia served as an associate in the Labor & Employment Departments of Gordon & Rees LLP and Silver & Freedman, APLC.

### **Beyond Fox Rothschild**

Yesenia served as the Hispanic National Bar Association's (HNBA) Regional President for Southern California from September 2013 to September 2014, and chaired the HNBA's Annual Charity Tennis and Golf Classic (April 2014).

Yesenia also served as the National Chair of the Women's Leadership Conference, which was held in conjunction with the Hispanic National Bar Association's Mid-Year Corporate Counsel Conference in New Jersey from March 28 to March 31, 2012.

While in law school, Yesenia was part of the international study program in Bali, Indonesia, where she took international and environmental law courses and interned at the Nature Conservatory.

An active author and speaker, Yesenia served as associate literary editor and technical editor for the *Maritime Law Journal* from 2000-2002.

### **Client Resources**

#### **e-Book**

[Doing Business in California: A Guide for Employers](#)

### **Honors & Awards**

- *Los Angeles Business Journal's* "Leaders in Law" Award Nominee (2018)



- Named among Latinas of Influence by *Hispanic Lifestyle Magazine* (2016)
- Named among the “Most Influential Minority Lawyers” by the *Los Angeles Business Journal* (2016)
- Named among the 25 most influential Hispanic lawyers in the U.S. by *Latino Leaders Magazine* (2015, 2016)
- Winner of the Hispanic National Bar Association “Regional President of the Year Award” (2014)
- Named as a Southern California Rising Star, Women’s Edition by *Super Lawyers Magazine* (2017)
- Named as a Southern California Rising Star by *Super Lawyers Magazine* (2013-2014, 2016-2017)
- *Los Angeles Business Journal’s* Women Making a Difference Award Nominee (2013-2015)
- Named as a “Top Lawyer Under 40” by the Hispanic National Bar Association (2013)
- One of 50 lawyers selected to participate in the Association of Corporate Counsel and HNBA’s Value-Added Legal Services Training Program (2010-2012)
- CALI Award for Excellence in Employment Litigation (Fall 2002)

### **Practice Areas**

- Labor & Employment
- Employee Privacy & Background Checks
- Employment Class Actions
- Employment Counseling, Policy Developments & Audits
- Employment Litigation
- Employment Training
- Sexual Harassment Prevention Training
- Wage & Hour Law
- Unfair Competition & Trade Secrets
- Food & Beverage

### **Bar Admissions**

- California

### **Court Admissions**

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

### **Education**

- University of San Francisco School of Law (J.D., 2003)
- University of California, Los Angeles (B.A., 2000)

### **Memberships**

- Hispanic National Bar Association (Regional President for Southern California)

### **Languages**

- Spanish