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Top Labor & Employment Lawyers 2018

How the *Dynamex* decision will impact employment law around the growing gig economy

Patricio “Pat” T. Barrera

FIRM:

Barrera & Associates Attorneys

CITY

El Segundo

SPECIALTY

**Wrongful termination,
discrimination, retaliation**

Within the past year, Barrera was lead trial counsel in four jury trials, three of which resulted in seven-figure verdicts for his employee plaintiff clients. The trials took place in August, October, February and April. “One didn’t work out, and we’re in the court of appeal on that one,” he said. “We did mock trials, so it was like eight trials. It can be tough on your family life and on your other clients, because in trial your focus is so intensely on your case.”

He has another trial beginning in late July.

Barrera won \$5 million for client Stephen Colucci from defendant T-Mobile USA Inc., including punitive damages, in San Bernardino County Superior Court on disability discrimination, retaliation and failure to prevent discrimination claims. *Colucci v. T-Mobile USA Inc.*, CIVDS1502822 (San Bernardino Super. Ct., filed Feb. 27, 2015).

He won \$1.2 million for client Allen Timothy Yu from defendant Grifols Biologicals Inc. on wrongful termination and whistleblower claims. *Yu v. Grifols Biologicals Inc.*, BC620910 (L.A. Super. Ct., filed May 18, 2016).

The verdict was \$1 million for client Maria Hoffer, who sued Chevron USA Inc. on claims she was wrongfully passed over at age 54 for an open permanent position at

the oil company’s El Segundo refinery in favor of two younger candidates who were less qualified. *Hoffer v. Chevron USA Inc.*, BC637501 (L.A. Super. Ct., filed Oct. 17, 2016).

Barrera’s lone loss during that period involved a doctor’s claims against the University of California. Dr. Daniel Chen contended the school failed to renew his post-doctoral fellowship in retaliation for complaints Chen made regarding allegations of national origin discrimination and harassment. *Chen v. Regents of the University of California*, BC598154 (L.A. Super. Ct., filed Oct. 16, 2015).

Barrera also persuaded a state appellate panel to reverse an adverse summary judgment grant by a trial judge in a published opinion that will likely aid future plaintiffs. Client Joseph Husman sued over his firing from a management position at Toyota Motor Credit Corp. in Torrance, alleging it was because of his gay sexual orientation and criticisms he made about his company’s commitment to diversity.

The company used a “same actor inference” defense, contending that the manager who fired Husman was the same one who hired him, so the motive must have been for cause. But the appellate panel said that reasoning is inappropriate at the summary judgment stage. A trial is set for May 2019. *Husman v. Toyota Motor Credit Corp.*, B268300 (Cal. App. 2nd Dist. June 21, 2017).



“I was kind of proud of myself because I argued the case even though I am not an appellate specialist,” Barrera said. “This is terrific guidance for plaintiffs in opposing summary judgment.”

— John Roemer