



JAMES C. FESSENDEN

Partner

San Diego / Irvine

858.597.9600

858.597.9601

Service Focus

- California Class Actions and PAGA
- Class and Collective Actions
- Consumer Privacy Team
- Employment Discrimination and Harassment
- Government Contracting, Compliance, and Reporting
- Litigation and Trials
- Mergers and Acquisitions
- Reductions in Force (RIFs)
- Wage and Hour

Industry Focus

- Automotive Dealership
- Energy
- Hospitality
- Life Sciences and Pharma
- Supply Chain
- Transportation and Supply Chain
- Trucking

OVERVIEW

Jim Fessenden is a partner in the firm's San Diego and Irvine offices. Jim represents employers in all aspects of employment law with a particular focus on employment

litigation. His successes in employment litigation are numerous and well-documented. Examples include:

- Obtained complete summary judgment on behalf of automotive dealership on claims of age discrimination and retaliation after two years of litigation and final settlement demand of \$500,000.
- On behalf of restaurant company, complete defeat of motion for class certification seeking to certify class claims for meal period violations, rest break violations, unpaid wages, and derivative penalties.
- Complete defense award in arbitration on behalf of Fortune 500 company against claimant alleging national origin discrimination and breach of contract; claimant's last settlement demand before arbitration was \$680,000;
- Complete summary judgment on behalf of international amusement park company in national origin and ancestry discrimination case;
- Complete summary judgment on behalf of life sciences staffing company in religious discrimination case;
- Complete defense award on employee's misclassification claims on behalf of national energy services company;
- Complete dismissal of class action claims brought against luxury automotive dealership;
- Zero-dollar walk-away settlement in racial discrimination case days before hearing on motion for summary judgment;
- Dismissal of all class claims in complex wage and hour case on behalf of international Fortune 200 company;
- Denial on plaintiff's motion for class certification in meal and rest break class action;
- Complete defense verdict on behalf of technology company in jury trial for pregnancy and gender discrimination;
- Complete defense award on behalf of international restaurant chain in arbitration against manager alleging misclassification and overtime claims;
- Dismissal of class action fraud claims brought against international logistics company;
- Dismissal of all class claims brought by a transportation driver; and

- Summary judgment on behalf of restaurant chain in disability discrimination case.

Jim also has unique experience in representing clients against governmental investigations and charges. He has successfully represented clients in investigations led by the United States Department of Labor, the United States Office of Federal Contract Compliance Programs, the California Division of Labor Standards Enforcement, Cal-OSHA, and the Employment Development Department, among others. Jim represented a Fortune 200 company in a multi-day hearing on whistleblower claims, resulting in a complete defense award. Jim also led the defense of an international logistics company in a two-year investigation led by the United States Office of Federal Contract Compliance Programs, which threatened its business relationship with the federal government. The company was completely exonerated, which preserved its ability to continue its business with the federal government.

Jim has substantial experience representing clients in unique employment relationships, particularly against allegations of joint employment, and co-employment. He regularly represents staffing companies, PEOs, and large companies with complex business models.

Jim's successful litigation practice also makes him a go-to resource for the firm's clients seeking preventative advice. Jim regularly counsels clients through difficult terminations, drafts complex pay and bonus plans for executives, and creates policies designed to protect the firm's clients.

Jim has been included in *San Diego Super Lawyers - Rising Stars* in 2015, 2016, 2017, 2018 and 2019.

Recent Experience

- Complete defense award in arbitration on behalf of Fortune 500 company against claimant alleging national origin discrimination and breach of contract; claimant's final settlement demand before arbitration was \$680,000.
- Complete summary judgment on behalf of international amusement park company in national origin and ancestry discrimination case;
- Complete summary judgment on behalf of life sciences staffing company in religious discrimination case;
- Complete defense award on employee's misclassification claims on behalf of national energy services company;

- Zero-dollar walk-away settlement in racial discrimination case days before hearing on motion for summary judgment.
 - Dismissal of all class claims in complex wage and hour case on behalf of international Fortune 200 company;
 - Denial on plaintiff's motion for class certification in meal and rest break class action;
 - Complete defense verdict on behalf of technology company in jury trial for pregnancy and gender discrimination;
 - Complete defense award on behalf of international restaurant chain in arbitration against manager alleging misclassification and overtime claims;
 - Dismissal of class action fraud claims brought against international logistics company;
 - Dismissal of all class claims brought by a transportation driver; and
 - Summary judgment on behalf of restaurant chain in disability discrimination case.
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Credentials

Education

- University of San Diego School of Law, J.D., 2005
- Villanova University, B.S., cum laude, 2002

Bar Admissions

- California

Court Admissions

- California Courts of Appeal
- California Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California

Recognitions

- Recognized in *The Best Lawyers in America* (2026)
 - *San Diego Business Journal*, Leader of Influence in Life Sciences (2025)
 - Included in *San Diego Super Lawyers - Rising Stars*, since 2016
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Affiliations

Professional Activities

- Member, San Diego Bar Association

Community Activities

- Member, Biocom California

INSIGHTS

Insights

Jan 12, 2026

FP's Top 2026 Predictions for Life Sciences and MedTech

Event

Dec 17, 2025

Insider Info on the H-1B Overhaul: Guidance for MedTech Employers

Event

Sep 10, 2025

Wage and Hour Wednesdays: California Compliance and Updates

Event

Sep 9, 2025

CA Hospitality Webinar Series | All I Ever Do Is Leave: How Can Hospitality Employers Keep Leaves and Accommodations Straight

Event

May 15, 2025

Top Labor & Employment Leave and Accommodation Issues That Keep Life Sciences and Pharmaceutical Employers Up at Night

Insights

Apr 22, 2025

Protecting Trade Secrets in the Life Sciences Industry: 8 Steps to Prevent Corporate Espionage and Theft