Fisher Phillips

James C. Fessenden

Partner

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Email

Service Focus

- Affirmative Action and Federal Contract Compliance
- Consumer Privacy Team
- Employment Discrimination and Harassment
- Litigation and Trials
- Class and Collective Actions
- Mergers and Acquisitions
- Reductions in Force (RIFs)
- Wage and Hour
- California Class Actions and PAGA

Industry Focus

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

Trending

- U.S. Privacy Hub

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

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.

Credentials

Education

- J.D., 2005, University of San Diego School of Law

- B.S., 2002, cum laude, Villanova University

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

- Included in *San Diego Super Lawyers - Rising Stars*, since 2016

Affiliations

Professional Activities

- Member, San Diego Bar Association

Community Activities

- Member, Biocom California

Insights

EVENT   05/15/25

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

James C. Fessenden

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INSIGHTS   04/22/25

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

James C. Fessenden, Brandon Kahoush, Daniel F. Lanciloti

Read more →

EVENT   03/18/25

2025 Pay Equity and Transparency Virtual Summit: What Businesses Need to Know About Compliance and Reporting to Avoid Litigation

Sheila M. Abron, Kathleen McLeod Caminiti, James C. Fessenden, Lonnie D. Giamela, Monica Snyder Perl, Sarah Wieselthier,

Jacklin Rad, Nan Sato

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EVENT   10/02/24

Money Matters: Paying Attention to New Pay Equity Policies

James C. Fessenden, Jacklin Rad

Read more →

EVENT   04/04/24

All About CA Accommodations in 2024 Part Two: Your Questions, Our Answers!

James C. Fessenden

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EVENT   Thursday, February 29, 2024 & Tuesday, March 5, 2024

2024 Pay Equity Virtual Summit: What Businesses Need to Know About Compliance and Reporting to Avoid Litigation

Kathleen McLeod Caminiti, Cheryl Pinarchick, James C. Fessenden, Jennifer B. Sandberg, Jacklin Rad, Sheila M. Abron, Megan

C. Winter, Monica Snyder Perl, Melissa Camire, Benjamin M. Ebbink, Jessica D. Causgrove, Catharine Morisset

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EVENT   02/22/24

All About CA Accommodations in 2024

James C. Fessenden

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NEWS   02/12/24

San Diego Partner Discusses Report That Found California's Misclassification Law Hurt Employment

James C. Fessenden

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EVENT   10/19/23

Complaints in California Part Two: Your Questions, Our Answers!

James C. Fessenden

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EVENT   10/04/23

Money Matters: Litigation Land Mines

Kathleen McLeod Caminiti, James C. Fessenden

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