



## **AMY L. LESSA**

Partner

San Diego

858.597.9612

858.597.9601

### Service Focus

- California Class Actions and PAGA
- Counseling and Advice
- Employee Leaves and Accommodations
- Employment Discrimination and Harassment
- Litigation and Trials

### Industry Focus

- Healthcare
- Hospitality
- Sports

## OVERVIEW

Amy Lessa is a partner in the firm's San Diego office. She handles employment matters before state and federal courts and has extensive experience defending employers in administrative matters before the Equal Employment Opportunity Commission (EEOC), the California Department of Fair Employment and Housing (DFEH), the Division of Labor Standards Enforcement (DLSE), the Workers' Compensation Appeals Board (WCAB) and the California Unemployment Insurance Appeals Board (CUIAB).

Amy's practice involves representation of employers in a variety of matters including harassment and discrimination litigation, wage and hour litigation, workplace

violence injunctions, immigration law, wrongful termination and breach of contract claims. Amy's practice focuses heavily on the prevention side of employment claims and positioning problem employment situations for the best possible defense.

Amy regularly advises employers on methods to avoid employment claims, including the effective use of policies and procedures, providing manager training on "best practices," and giving day-to-day, practical advice on pressing employment issues, such as wage-hour compliance, employee leaves of absence and the management and termination of problem employees.

Amy works with employers in a diverse group of industries including automobile dealerships, restaurants, bars and franchises, craft breweries and brew pubs, law firms, hotels, amusement parks, banks, country clubs, property management firms, non-profits, and clothing and apparel, among others.

Amy is "AV" Peer Review Rated by Martindale-Hubbell.

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## Recent Experience

Amy obtained an arbitration victory in a difficult religion and national origin-based harassment and constructive discharge lawsuit involving allegations of daily anti-Semitic and ethnic slurs by a top salesperson. The plaintiff claimed that he was forced to quit after management did nothing in response to his repeated complaints because it allegedly valued its top producer over the plaintiff. After a three-day arbitration the judge found for the employer on all claims. The victory was due in large part to our detailed reconstruction of the plaintiff's prior and subsequent employment history showing repeated poor sales performance in multiple jobs over the years. In addition, the arbitrator awarded our client its costs and attorneys' fees.

Amy's other litigation successes include:

- Secured summary judgment and attorney's fees on behalf of national health care provider in federal court lawsuit alleging disability discrimination, failure to accommodate, retaliation and wrongful termination. Affirmed on appeal by the Ninth Circuit Court of Appeals.
- An award of summary judgment in a lawsuit involving claims brought by a current employee for unlawful withholdings and deductions.
- Early dismissal of a race discrimination lawsuit.
- An award of summary adjudication on six of twelve claims brought by a former employee for retaliation, breach of contract, negligent misrepresentation, and Labor Code violations for wage discrimination. Amy was also successful in eliminating the plaintiff's ability to recover punitive damages.

- After two years of aggressively defending a breach of contract claim brought by a vengeful and litigious former employee, Amy prevailed in getting the plaintiff to walk away, voluntarily dismiss his lawsuit and to pay her client a nominal amount.
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## Credentials

### Education

- University of San Diego School of Law, J.D., 1999
- California State University, Chico, B.A., 1994

### Bar Admissions

- California

### Court Admissions

- California Supreme Court
  - U.S. District Court for the Central District of California
  - U.S. District Court for the Eastern District of California
  - U.S. District Court for the Northern District of California
  - U.S. District Court for the Southern District of California
  - U.S. Court of Appeals for the Ninth Circuit
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## Recognitions

- Recognized in *The Best Lawyers in America* (2023 - 2026)
  - Recognized in *San Diego Business Journal's Women of Influence in Law* (2024)
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## Affiliations

### Professional Activities

- Member of the San Diego County Bar Association and the Labor & Employment Law Section of the California State Bar
- Allied Trade Member of California Craft Brewers Association

- Allied Trade Member of the national Brewers Association
- Served as the Legislative Chair on the Board of Directors for the North County Personnel Association in San Diego for five years
- Member of the San Diego chapters of the National Association of Women Business Owners (NAWBO), and Connected Women of Influence (CWI)

### Community Activities

Amy serves on the Board of Directors and is a founding member of Many Moms, a non-profit corporation that helps children in need. Amy also supports Grace Babies' Home in Tijuana through YUGO ministries, a non-profit missions organization, and she annually participates in the "Buddy Walk" for the Down Syndrome Association of Orange County.

## INSIGHTS

News

Jun 24, 2024

Three Fisher Phillips Attorneys Recognized by San Diego Business Journal Among Women of Influence in Law 2024

Insights

May 26, 2021

A Sobering Reality for Craft Breweries: 5-Step Action Plan to Address Workplace Harassment

Publication

Apr 9, 2019

San Diego Attorneys Discuss Managing Brewery Employees in Era of Legalized Marijuana

News

Sep 14, 2018

San Diego Attorneys Discuss Implications of "ABC test" on Independent Contractors

**Publication**

**Aug 15, 2018**

Fisher Phillips California Attorneys Address ABC Test for Breweries

**Event**

**May 31, 2018**

The Highs (and Lows) of Managing Brewery Employees in the Wake of Legalized Marijuana