



Todd B. Scherwin

Regional Managing Partner

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Service Focus

- California Litigation and Appellate
- Class and Collective Actions
- Counseling and Advice
- Employee Defection and Trade Secrets
- Employment Discrimination and Harassment
- Litigation and Trials
- Mergers and Acquisitions
- Wage and Hour

Industry Focus

- Automotive Dealership
- Gig Economy
- Retail
- Hospitality
- Sports

Overview

Todd Scherwin is Co-Chair of the firm's Sports Team, a diverse group of former collegiate and professional athletes dedicated to advising sports employers regarding compliance with applicable laws and regulations and managing controversies, as well as vigorously defending them before governmental, regulatory, and administrative agencies and, when necessary, in litigation.

Todd Scherwin, managing partner of the Los Angeles and Woodland Hills offices, represents local and national employers on a full spectrum of labor and employment matters. He both litigates on behalf of employers and regularly counsels businesses on a range of employment matters.

Todd's litigation practice involves a range of disputes, including Private Attorney General Act (PAGA) actions and class actions, employment discrimination, harassment, retaliation claims, and trade secret litigation.

Todd represents clients in a variety of industries including hospitality, manufacturing, automotive, retail, fitness, entertainment and technology. He regularly litigates and advises these businesses on the toughest employee issues they face in California and across the country.

Todd has been recognized by *The Los Angeles Daily Journal* as a Top Labor and Employment Lawyer and is one of only five Employment Lawyers named by *Law360* as a Rising Star. He has also been selected as a Super Lawyer for nine consecutive years.

Todd has defended employers in civil litigation in state and federal court, including the 9th Circuit Court of Appeals and the United States Supreme Court. Notably, Todd and his team were successful in convincing the United States Supreme Court to reverse and remand the Ninth Circuit Court of Appeals in the case, *Encino Motorcars v. Navarro* in April 2018.

Todd's counseling practice includes advising businesses on difficult issues related to state and federal leave laws, harassment and discrimination issues, independent contractor compliance, terminations, and wage-hour laws. He also guides clients in developing preventative policies and procedures to avoid costly employment claims and litigation.

Todd regularly provides human resources trainings to trade groups, businesses, employer groups, and private employers.

Todd is a member of the HR Advisory Board at the California State University, Long Beach where he is a lecturer in the Human Resources Management Program teaching California Labor and Employment Law.

During law school, he served as an extern to the Honorable Ronald S.W. Lew of the United States District Court, Central District of California.

Todd was a member of the University of California, San Diego NCAA Baseball Team in college.

Recent Experience

Experience

- **Class Action and PAGA Claim Defeated with Arbitration Agreement.** Todd along with several lawyers from the Los Angeles office defeated a putative wage and hour class action, including a claim for PAGA brought against one of California's largest safety- traffic providers. A Los Angeles Superior Court judge found that the allegations under PAGA were covered by the arbitration agreement and ordered the individuals to arbitration on an individual basis on their respective PAGA claims.

- **Arbitration Victory in Age Discrimination/Retaliation Lawsuit.**

Todd tried a case on behalf of a large national tool and specialty material supplier. They received a full defense award in a two week long arbitration where Plaintiff, a 25+ year employee alleged millions of dollars in damages stemming from his age discrimination claim.

- **Obtained Monetary Settlement On Behalf of Employer in a Trade Secret Misappropriation/Breach of Duty of Loyalty Claim.**

On behalf of a franchisee of retail shipping, postal, printing and business services obtained a large settlement against a former employee/manager who attempted to steal customers and information from the franchisee.

- **Trial Win in Wage-Hour/Exemption Claim.**

Todd obtained a defense verdict on an overtime misclassification claim after a three day trial in Riverside Superior Court.

- **Summary Judgment Obtained on Behalf of School in Pregnancy Discrimination Lawsuit.**

Todd along with Nathan Okelberry obtained summary judgment in Los Angeles Superior Court on behalf of an elementary school in a pregnancy discrimination and retaliation claim brought by a former employee.

Credentials

Education

- J.D., University of Southern California, Gould School of Law
- B.A., University of California, San Diego

Bar Admissions

- California

Court Admissions

- California Superior Court
- 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 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. Supreme Court

Recognitions

- Recognized in the *Los Angeles Business Journal's* 2023 Leaders of Influence: Labor & Employment Attorneys
- Recognized as a Top Labor and Employment Attorney by the *Daily Journal* (2019 & 2023)
- Named one of *The Daily Journal's* 2023 Top Labor & Employment Lawyers
- Named one of *The Los Angeles Times's* Legal Visionaries (2022-2023)
- Named one of the *Los Angeles Business Journal's* Top 100 Lawyers (2022-2023)
- Recommended as a leading practitioner for Labor and Employment Disputes: Defense by *The Legal 500 United States* (2021 - 2022)
- Law360's Rising Star (2019)
- The Daily Journal's 2019 Top Labor and Employment Lawyer
- *The Recorder* "2013 Lawyers on the Fast Track"
- *Southern California Super Lawyers* – Rising Star (2012-2014)
- *Super Lawyers* since 2015

Affiliations

Professional Activities

Todd serves on the HR Advisory Board at the California State University, Long Beach and is a member of the Orange County Bar Association, the Los Angeles County Bar Association, and the Long Beach Chamber of Commerce.

Insights

PUBLICATION

03/11/24

California Attorneys Provide Compliance Guide on the State's New Leave Rights for Reproductive Loss

Nazanin Afshar, Ariella Kupetz, Todd B. Scherwin

[Read more →](#)

INSIGHTS

02/01/24

New Year, New Employment Protections for Cannabis Consumption in California: A 3-Step Guide for Employers

Nazanin Afshar, Ariella Kupetz, Todd B. Scherwin

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EVENT

01/23/24

Bolton Webinar Series: SB 553 Workplace Violence Prevention Plan

Todd B. Scherwin

[Read more →](#)

NEWS

01/17/24

Law360 Reports on the Return of Ceci Sun in Los Angeles

Ceci Sun, Todd B. Scherwin

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NEWS

01/05/24

Law360 Covers the Arrival of Jacklin Rad

Jacklin Rad, Todd B. Scherwin

[Read more →](#)

NEWS

01/04/24

Fisher Phillips Welcomes Jacklin Rad as Partner in Los Angeles

Jacklin Rad, Todd B. Scherwin

[Read more →](#)

NEWS

12/19/23

Fisher Phillips Partners Honored in Los Angeles Business Journal's 2023 Thriving in Their 40s

Nicole Kamm, Todd B. Scherwin

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INSIGHTS

12/01/23

FP's Workplace Law Forecast 2024

Cheryl L. Behymer, Steven M. Bernstein, Sheldon J. Blumling, Risa B. Boerner, Colin P. Calvert, Kathleen McLeod Caminiti, Jocelyn Campanaro, Jennifer B. Carroll, Collin D. Cook, Laurel K. Cornell, Germán de la Garza De Vecchi, Michael P. Elkon, Todd Alan Ewan, Todd A. Fredrickson, Christopher C. Hoffman, David S. Jones, Usama Kahf, Karl R. Lindegren, Todd B. Logsdon, Todd A. Lyon, Michael R. Marra, Suzanne Kelly Michael, Michael S. Mitchell, Joshua D. Nadreau, Kristen J. Nesbit, Alden J. Parker, Cheryl Pinarchick, John M. Polson, Andrea Brizio Rivas, Andria Lure Ryan, Nan Sato, Todd B. Scherwin, Matthew R. Simpson, Adam F. Sloustcher, Kristin L. Smith, Shanon R. Stevenson, Hannah Sweiss, J. Hagood Tighe, Travis Vance, David J. Walton, Sheila M. Abron, Erica G. Wilson, William D. Wright, Robert Yonowitz

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NEWS

10/23/23

Fisher Phillips Partners Recognized in the Los Angeles Business Journal's 2023 Leaders of Influence: Labor and Employment Attorneys

Kristen J. Nesbit, Todd B. Scherwin

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NEWS

09/28/23

Fisher Phillips Named to Los Angeles Business Journal's "Most Admired Law Firms" List for the Fourth Year in a Row

Todd B. Scherwin, Kristen J. Nesbit

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