Timothy M. Freudenberger

Founding Partner & Co-Chair of CDF's Class Action Defense Litigation Practice Group

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About Tim

One of the founding partners of CDF, Tim Freudenberger represents California and national employers in all aspects of labor and employment law and related litigation, with a special emphasis on defending class action wage and hour lawsuits, class action employment discrimination lawsuits, class action suitable seating lawsuits, and other complex employment litigation matters. He heads CDF's class action defense litigation practice group.

He has practiced at the forefront in the defense of wage and hour and other class actions as these high profile cases have threatened employers throughout the state. For nearly two decades, Tim has repeatedly obtained dismissals and defeated class certification, often through strategic deposition techniques and a thorough investigation of putative classes that reveals critical evidence in support of his employer clients.

Tim received a very favorable decision from the California Supreme Court in Duran v. U.S. Bank Nat. Assn., 59 Cal. 4th 1 (2014), followed by a further victory before the Court of Appeal after remand, Duran v. U.S. Bank, 19 Cal.App.5th 630 (2018). His defense work on the case, which lasted for more than a decade and resulted in multiple published opinions, helped shape class certification and trial principles in exemption cases. The closely followed trial, and subsequent outcome before the Court of Appeal and California Supreme Court, serves as a testament to the respect Tim's class action practice commands throughout California. He cemented this victory when he again defeated class certification after the case was remanded to the trial court, which was affirmed on appeal in a decision that discussed the weaknesses and unreliability of survey methodology in these types of exemption cases, Duran v. U.S. Bank, 19 Cal.App.5th 630 (2018).

His litigation counsel and representation spans the full scope of employment law and

Education

University of California, Hastings College of the Law, J.D., 1988

- Hastings Law Journal
- Phi Delta Phi
- American Jurisprudence Award Recipient in Employment Law Seminar & Labor Negotiation Seminar

University of California at San Diego, B.A., Political Science, 1985

- Provost's Honors List, 1981-1985

Written Opinions

Levanoff v. Dragas, 65 Cal. App. 5th 1079 (2021), rehearing denied (July 14,

workplace claims, including single plaintiff claims. These range from wrongful termination, employment discrimination, sexual harassment, retaliation and trade secrets misappropriation, to unfair competition, wage and hour, and traditional labor-management relations matters.

Tim's extensive experience also extends to representing both large and small companies in business disputes and related litigation. His case background encompasses such commercial disputes as intellectual property claims, breach of contract, breach of franchise or license agreement, breach of fiduciary duty, breach of the duty of loyalty, interference with prospective economic advantage, interference with contractual relations, defamation, fraud and negligence.

In addition to employee-generated claims, Tim also represents his clients in lawsuits brought by their customers alleging discrimination, invasion of privacy, negligent hiring, supervision or retention, and other claims under various federal and state laws.

Publications

"Don't Let the Name Fool You. The ABC Test Is Anything But Simple," Co-Author, Staffing Industry Analysts, February 2020

"Sit or Stand Is the Question for California Employers," Co-Author, Today's General Counsel, Summer Edition, July 2019

"5 Important Steps to Protect Your Business from a PAGA Lawsuit," Small Business Trends, Contributing Author, October 2018

"Trends In PAGA Claims & What It Means For California Employers," Inside Counsel, Contributing Author, March 2015

"Class Action Meal and Rest Periods Claims, The Newest Rash of Class Action Lawsuits Against Employers," Managing a Workforce, 2002

"Catching the Wave - The 6 Biggest Practice Areas," California Lawyer Magazine, Contributing Author, May 2016

Presentations

"Combatting the Rise in Wage & Hour and PAGA Litigation in the Healthcare Industry," 2021)

Certified Tire Wage and Hour Cases, 28 Cal. App. 5th 1 (2018)

Duran v. U.S. Bank Nat. Ass'n, 59 Cal. 4th 1 (2014)

Duran v. U.S. Bank Nat. Ass'n ("Duran II"), 19 Cal.App.5th 630 (2018)

Walker v. Apple, Inc., 4 Cal.App.5th 1098 (Sep. 28, 2016), review denied (Jan. 18, 2017)

Trahan v. U.S. Bank Nat'l Ass'n, 2015 WL 75139 (N.D. Cal. Jan. 6, 2015)

Coleman v. Estes Express Lines, Inc. (9th Cir. 2010) 627 F.3d 1096

Jimenez v. Domino's Pizza, Inc., 238 F.R.D. 241 (C.D. Cal. 2006)

Koo v. Rubio's Restaurants, Inc., 109 Cal.App.4th 719 (2003)

Perry v. U.S. Bank (N.D.Cal. 2001) WL34920473

Lee v. Bank of America NT&SA, 27 Cal.App.4th 197 (1994)

Panelist, CDF Healthcare Education Webinar Series, October 2021

"Critical PAGA Considerations," Co-Presenter, OCBA Labor & Employment Symposium, September 2020

"A Review of California Employment Laws That Affect the SPORTS & Fitness Industry," Co-Presenter, Sports and Fitness Industry Association, January 2019

"Cutting Edge Trends in PAGA Litigation," Co-Presenter, Sports & Fitness Industry Association, November 2018

"Cutting Edge Trends in PAGA Litigation," Co-Presenter, Retail Industry Leaders Association's 2018 Retail Law Conference, October 2018

Recognitions

Received the **CLAY Award** for being recognized as one of the Attorneys of the Year, Class Actions, California Lawyer, 2015

Listed, **Top 75 Labor and Employment Law Attorney in California**, Daily Journal, 2012, 2013 & 2014

Listed, Best Lawyers® "**Lawyer of the Year**" - Class Action Defense (2017, 2019 & 2022), Irvine, CA

Listed, Best Lawyers® - Employment Law Management (2016 - 2027), Mass Tort Litigation/Class Actions Defendants (2016 - 2027) and Labor and Employment Litigation (2018 - 2027), Irvine, CA

Listed, Southern California Super Lawyers, 2015 - 2026

Member, Sports and Fitness Industry Association, **Legal Task Force**, 2018

Fellow, **Litigation Counsel of America**, Proven Trial Lawyers, 2018

Member, State Bar of California

Member, Orange County Bar Association, Labor and Employment Law Section

Civic Activities

Youth Basketball, Football, and Roller Hockey Coach, 2001 - 2010