

Daily Journal

JUNE 30, 2021

Top Labor & Employment Lawyers 2021

Troy A. Valdez

Valdez is co-chair of Coblentz's employment practice group and a member of the firm's Covid-19 business resource group. A trial attorney with more than 20 years' experience in the employment law sector, he is a member of the Litigation Counsel of America.

He focuses on complex founder and executive disputes, breach of contract actions, wage and hour class actions and the unique issues arising from mergers and acquisitions.

Valdez moved to Coblentz from Thoits Law in January 2020. "An interesting time to make a move," he said. "We were very busy, and it was a good time to impress new partners." Now, as the pandemic's end may be in sight, litigation is again on the rise. "We are starting to see the law suits come out of it. We're seeing some wrongful termination suits resulting from companies' reductions in force as well as policies put in place in response to the pandemic."

Workplace upheavals resulted from many companies' sudden loss of business as Covid-19 hit the bottom line. "Clients had an immediate downturn in revenue. Government funds helped many turn the corner, but the hospitality industry had no chance. We are still in uncharted territory. Businesses are struggling with cases of workers who don't want to get back on public transportation, or who don't want to get vaccinated. There's a lot to keep up with: official guidance changes, though the EEOC has been pretty consistent. Of course, the health and safety of employees is always a first priority."

In his advice and counsel role, Valdez guided a group of key employees, including the CEO, at the Foster City-based autonomous vehicle company Zoox Inc. in closing its \$1.2 billion acquisition by Amazon.com Inc. in 2020. The deal involved complex issues related to equity and compensation as it positioned Zoox to further its goals while retaining top talent.

"That happened just pre-chaos," Valdez said of completing the deal in the period before Covid struck. "I was happy to help make this cutting-edge project happen."

Separately, he successfully represented digital healthcare company iRhythm Technologies Inc. of San Francisco, a maker of wearable bio-sensing technology combined with cloud-based data analytics to diagnose cardiac arrhythmias, in a wrongful termination suit. *Fazio v. iRhythm Technologies Inc.*, 30-2018-00994649 (Orange Co. Super. Ct., filed May 23, 2018).

The plaintiff alleged sexual harassment and retaliation. After the case was removed to arbitration, Valdez' client received a final award. "It was a full defense win," he said. "We showed the plaintiff had ongoing performance issues. She went to HR with a complaint, but the client had done a good job of documentation, and the complaint didn't shield her from termination." A petition to affirm the outcome is pending.

The case illustrated a reality that Valdez promotes. "I tell clients you can't always be the nice guy. Let people know what they are doing both good and bad and give clear guidance as to where they stand."

— John Roemer



Firm
**Coblentz Patch Duffy
& Bass LLP**

City
San Francisco