



Richard D. Marca, *Shareholder*

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KEY PRACTICE AREAS

Labor & Employment
Litigation

EDUCATION

Loma Linda University,
La Sierra Campus,
Riverside, CA B.S.,
Business Administration,
1982

Pepperdine University
School of Law, Malibu,
CA J.D., 1986

BARS

California, February 13,
1987

U.S. Court of Appeals,
Ninth Circuit, 1987

U.S. District Court of
California, Central
District 1987

U.S. District Court of
California, Southern
District, 1987

U.S. District Court of
California, Eastern
District, 1999

Mr. Marca co-chairs the Labor & Employment Law Practice Group at Gresham Savage. His practice involves frequent counsel to employers on compliance with state and federal employment laws and regulations, litigation prevention and representation before all governmental agencies and courts. He is also a skilled trial attorney having successfully tried to verdict a wide variety of business and employment disputes, and is a member of the prestigious American Board of Trial Advocates (ABOTA) and a listed 2012 and 2007 Southern California Super Lawyer as published by *Law & Politics* and *LOS ANGELES MAGAZINE*, a distinction extended to 5% of the lawyers in the state.

Mr. Marca counsels employers from small businesses to national corporations on achieving their business objectives while complying with the unique legal and complex regulatory challenges facing California employers. He provides seasoned counsel on wage-hour compliance, discrimination and harassment laws; reductions-in-force, employee discipline and termination issues; employee investigations, employee leave issues, disability accommodations, employee safety and privacy, and in performing employment risk assessments (audits). In addition, he assists decision-makers in developing or reviewing employment contracts, as well as human resources policies, handbooks and procedures. His focus here is in preventing problems before they occur.

When employment disputes occur, Mr. Marca counsels employers on developing effective strategies to resolve them before litigation is initiated. If litigation is filed, his philosophy is simple: "Win, but win smart!" This means he quickly assesses cases and develops attainable objectives, whether it be early resolution through ADR strategies, or zealous representation through unavoidable trials. His focus is always on achieving the best result possible in an efficient, cost-effective manner. His track record in developing winning strategies is well chronicled by his many successes in the courtroom and before juries. His experience includes trying jury trials to verdict, numerous complex court trials and

binding arbitrations, and successfully defending employers in cases involving wrongful termination, race, sex, disability and age discrimination and harassment claims.

He has also represented employers before various governmental agencies including the Department of Fair Employment and Housing (DFEH), Department of Industrial Relations, Fair Employment and Housing Commission (FEHC), Cal/OSHA Appeals Board, California Labor Commissioner, Workers' Compensation Appeals Board, California Unemployment Appeals Board, U.S. Equal Opportunity Commission (EEOC), U.S. Department of Labor and National Labor Relations Board (NLRB), and other governmental agencies.

Mr. Marca also serves as outside General Counsel to various business entities in the manufacturing, distribution and construction industries within the Inland Southern California region, where he provides General Counsel advice and oversight of services from the firm's several specialized practice areas. He is also a litigation and trial attorney over a wide variety of business disputes.

Mr. Marca is bilingual and fluent in Spanish.

REPRESENTATIVE CASES

- Secured defense jury verdict for a large grocery store chain in an emotionally charged racial harassment, discrimination and wrongful termination case
- Secured plaintiff's jury verdict for medical group in defamation and unfair business practice case
- Secured defense jury verdict for national manufacturing corporation in multi-million dollar breach of contract and fraud case
- Secured several defense jury verdicts for large grocery store chain in three separate cases involving false arrest, false imprisonment and battery, and other defense jury verdicts on claims of civil rights and premises liability
- Secured separate defense judgments for national trucking company in cases involving race discrimination, sexual harassment and wrongful termination
- Secured defense verdict for President of an electric company accused of real estate fraud
- Secured separate defense judgments for national wood manufacturing company in wrongful termination/race discrimination cases (both at the trial and appellate level)
- Secured defense judgment for senior executive of a large company accused of sexual harassment and wrongful termination by a female manager
- Secured defense judgements for national financial institution in cases involving wrongful foreclosure and fraud claims

- Secured Preliminary Injunctions for financial institutions, manufacturing and construction companies in Trade Secrets and Unfair Business Practices cases, and successfully defended a national manufacturing company and a national distributing company in separate Trade Secret and Unfair Business Practices (Business & Professions Code § 17200) litigation matters
- Coordinated reduction in force of international corporation involving mass layoffs in three different states and coordinated reductions in force for California companies, without drawing any adverse employee claims
- Represented employers in employee death and serious injury cases, and successfully litigated the reduction of Cal/OSHA penalties from serious accident-related violations to regulatory violations

PUBLISHED WORKS

"Employee Leaves of Absences: Complying with the 20 Different Types", University of California Extension Center, Riverside, May, 2002

"Contingent Work Force: Pros and Cons", The Employers Group Management Education Series, June 2002

"Pre-Employment Inquiries and Employment Referencing – How to Limit the Risk of Liability", The Employers Group Management Education Series, Third Annual Inland Empire Human Resources Symposium, March, 1997

"Wrongful Demotions and Discipline: Liability Concerns for the Employer", Inland Empire Business Journal, November, 1996

"Guidelines for Internal Investigations and Resolution of Discrimination and Harassment Complaints", Employer Group Management Education Series, May, 1995

"Internal Workplace Investigations – What Has Ken Starr Taught Us?", Personnel Managers Association of Aztlan, September 17, 1998

AFFILIATIONS

San Bernardino County Bar Association, Member, Board of Directors, 2006-2007

Riverside County Bar Association, Member

The State Bar of California, Member, Sections of Labor & Employment Law and Litigation

American Bar Association, Member, EEOC Subcommittee

Federal Bar Association, Member

Association of Business Trial Lawyers, Member

COMMUNITY

Served as Adjunct Professor of Employment Law at University of La Verne College of Law, 2005-2006

Leadership Riverside Alumnus, Member

Inland Empire Hispanic Leadership Council, Board of Directors, 2007-Present

HONORS

American Board of Trial Advocates (ABOTA), Associate

2007 and 2012 Southern California Super Lawyer, as published by *Law & Politics* and *LOS ANGELES MAGAZINE*

PERSONAL

Mr. Marca is married and has two daughters and a son. He is an avid golfer, snow and water skier, and a life long loyal fan to Southern California's only NFL team.