



Apalla U. Chopra

Partner

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Apalla Chopra is Co-Chair of O'Melveny's Litigation Department and Co-Chair of the firm's Labor and Employment Practice. Apalla also leads the firm's Colleges and Universities Industry Group, and served on the firm's Policy Committee. She specializes in litigating complex multi-plaintiff and class action discrimination and wage and hour cases. Her experience is broad as she has represented clients in cases regarding employee allegations of invasion of privacy, wrongful discharge, and discrimination based on age, race, gender, national origin, physical handicap, and related matters. Apalla also conducts independent investigations into high profile allegations of employee misconduct on behalf of companies, boards and special committees. She has represented clients in traditional labor matters under the National Labor Relations Act and Educational Employment Relations Act, and has experience negotiating collective bargaining agreements and executive employment contracts. In addition, Apalla is among a handful of lawyers colleges and universities turn to for their most complex and high profile legal challenges, including Title IX and Clery Act investigations and follow-on litigation into their handling of sexual assault allegations.

Apalla's industry experience is likewise broad, as she has represented companies in the biotechnology, manufacturing, utility, health, retail, hospitality, private and public schools, and entertainment sectors.

Apalla has represented both employers and amici in many significant trial court and appellate cases, including *Chindarah v. Pick Up Stix, Inc.*, 171 Cal. App. 4th 796 (2009); *Alch v. Superior Court*, 122 Cal. App. 4th 339 (2004); *Thomas v. Bristol Farms*,

Admissions

Bar Admissions

California

Court Admissions

US District Court, Central, Northern, and Southern Districts of California

US Court of Appeals, Ninth Circuit

US Supreme Court

Education

University of California, Hastings College of Law, J.D., 1992: *cum laude*; Thurston Society; Senior Note Editor, *Hastings Law Review*

University of California at Irvine, B.A., Political Science and Economics, 1988: *magna cum laude*; Phi Beta Kappa

Inc., 2003 Cal. App. Unpub. LEXIS 11024 (2003); *Wynn v. NBC*, 234 F. Supp. 2d 1067 (C.D. Cal. 2002); and *Fanaka v. Warner Bros.*, 2000 US Dist. LEXIS 19078 (2000).

Apalla has been lauded a “Rainmaker” by *Diversity & the Bar*, “Labor & Employment Firm Attorney of the Year” by the *Los Angeles Business Journal*, and a “Woman Worth Watching” by *Diversity Journal*. She has repeatedly been recognized by *Chambers USA* and *Legal500* as a leading lawyer and has also been named by the *Daily Journal* as one of the Top 100 lawyers in California, a top Labor and Employment lawyer, and a top woman lawyer.

Experience

Wage & Hour

- Defending a global insurance provider in a putative class and collective action (PAGA) alleging misclassification of insurance underwriters. Successfully dismissed central allegation on summary judgement.
- Representing a major investment bank in several putative wage and hour class and collective actions (including PAGA) alleging, among other things, that the bank failed to reimburse employees for necessary business expenditures. Favorably resolved the cases.
- Representing **Century 21** in a California wage and hour class and collective action (PAGA) alleging that real estate sales agents are misclassified as independent contractors. Successfully moved to dismiss case.
- Represented **Home Office Box (HBO)** in a PAGA action where the plaintiff alleged violations of California wage-and-hour laws. Successfully dismissed the representative action and favorably settled the individual claims.
- Represented **Coldwell Banker** in a class action challenging whether the company's sales agents (or brokers) should be classified as independent contractors (as they are) or as employees. By working with the company to issue new independent contractor agreements, significantly reduced the potential class and negotiated a favorable settlement agreement.
- Represented **DeVry Inc.** in a number of cases, including a class action alleging class room facilitators were improperly classified as independent contractors. Secured dismissal of class action through negotiation and settled Plaintiff's individual claim on favorable terms.
- Neutralized a wage and hour class action on behalf of **DIRECTV** when a judge in the Los Angeles Superior Court granted **DIRECTV's** motion to compel arbitration. This was a significant win for our client, allowing **DIRECTV** to arbitrate with the plaintiff on an individual basis and not face a class action lawsuit in court.
- Represented **DIRECTV** as lead defense counsel in 10 mass actions alleging independent contractor misclassification. Successfully avoided multi-district litigation and secured dismissal of all claims
- Represented a large media company in a PAGA action where the plaintiff alleged violations of California wage-and-hour laws. Successfully dismissed the representative action and favorably settled the individual claims

Investigations & Strategic Response

- Leading strategic response to a government investigation related to alleged systemic gender discrimination, harassment, and retaliation for a technology company

- Leading strategic response to a government investigation related to alleged systemic gender discrimination for an entertainment company
- Representing the Board of Trustees of a large private university in conducting an independent investigation into the conduct of the University's gynecologist, and the University's response to such conduct
- Served as independent counsel to the **University of Virginia's** Board of Visitors in connection with the investigation into the University's handling of reports by students of sexual assault
- Represented a private university in connection with the Department of Education's Office of Civil Rights (OCR) investigation into the College's Title IX policies and processes, focusing on how it processes and reports students' complaints of sexual misconduct. After a three year investigation, the OCR "found a campus actively engaged in important work to satisfy Title IX responsibilities for all students." Also representing the college in connection with threatened litigation related to the same issues and in two proceedings brought by respondents challenging their suspension and/or expulsion from the school as a result of sexual assault investigations
- Represented a large private, religious university in multiple Department of Education's Office of Civil Rights investigations into the university's response to sexual misconduct allegations
- Representing **Claremont McKenna College** in a lawsuit challenging the enforcement of the College's sexual misconduct policy
- Achieved a summary judgment victory for **Harvard University** in a high-profile Title IX lawsuit alleging that the University failed to respond appropriately to a student's allegations of sexual assault
- Representing a large university in a lawsuit alleging it failed to follow the proper policies and procedures when enforcing the University's sexual misconduct policy
- Performed an investigation on behalf of the board of trustees for a private college into the misreporting of admissions statistics; aided the College in addressing the employment issues emanating from the investigation, and strategically managing communications to the press, the College's internal and external community, third-party private rating institutions as well as the College's government regulators

Discrimination

- Representing a multinational technology company in a pay equity class action alleging that the company discriminated against women employees in terms of pay and promotions
- Representing a major investment bank in a disability discrimination case alleging, among other things, failure to accommodate, failure to engage in the interactive process and discrimination
- Represented a major Hollywood motion picture and television studio in a class action race discrimination lawsuit brought by an African American director; successfully moved to dismiss lawsuit
- Represented a major Hollywood studio and network in a class action age discrimination claim brought by television writers; successfully moved to dismiss lawsuit multiple times
- Represented a public school district in successfully resolving a discrimination complaint filed against the District by a parent under Title VI. The US Department of Education, Office for Civil Rights (OCR), found no violation. Assisted the District in complying with OCR's training and informational requirements. Provide the District with day-to-day labor and employment counseling on various matters

Traditional Labor

- Provides legal advice to public and private employers in labor negotiations and election proceedings
- Represents public and private employers in representation hearings, unfair labor practice proceedings, labor grievances and arbitrations
- Provides strategic legal advice to public and private employers regarding collective bargaining negotiations, leading to the declaration of impasse and unilateral implementation (without legal challenge)
- Provides strategic legal advice regarding the implementation of the Affordable Care Act across a nationwide workforce of over 60,000 employees consisting of unionized (over 20 different bargaining units) and non-unionized employees
- Represented a multinational media and entertainment company in a union campaign brought by the International Alliance of Theatrical Stage Employees (IATSE) to organize a group of stage and prop assembly workers. Blocked attempt by IATSE to hold an election to determine whether group should join a larger, preexisting bargaining unit already represented by IATSE. Subsequent attempt by IATSE to organize group as a separate bargaining unit rejected by workers

Professional Activities

Member

- Employers Group: Legal Committee (Chair, 2016-2020)
- American Employment Law Council (Advisory Committee, 2016-2020)
- American Bar Association, Labor and Employment Law Section
- American Employment Law Counsel
- California Bar Association
- California Employment Law Counsel
- Institute for Corporate Counsel, Board of Governors (President, 2008; Secretary, 2007)

Recent Speaking Engagements/Papers

- "Why Is Harassment Still a Problem?," US Equal Employment Opportunity Commission (July 2022)
- "Culture Internal Reviews," ABA National Institute of White Collar Crime (March 2022)
- "HR Issues - Beyond the Crisis," SEC Hot Topics Conference (September 2020)
- "Returning to the Workplace Amidst COVID-19," O'Melveny Webinar (May 2020)
- "#MeToo: Investigations of Gender Misconduct: HR, Compliance, and Criminal Defense," New York City Bar White Collar Crime Institute (May 2019)
- "Elimination of Bias," LAIPLA Spring IP Leadership Summit (April 2019)
- "Overcoming and Embracing the Challenges of the 'Entrepreneurial Economy'," American Employment Law Council Twenty-Sixth Annual Conference (October 2018)
- "Constructing a Workplace Environment that Rejects Sexual Harassment," O'Melveny Client Alert (January 2018)
- "Precedents and Predictions: A Review of 2017's Significant Labor and Employment Law Developments and What to Expect in 2018," O'Melveny's Employment Law Update (January 2018)

- “In Clery’s Cross-Hairs: Real Life Problems and Solutions,” NACUA CLE Workshop in Washington, DC. (November 2017)
- “Managing Crises Created by Employees,” ABTL 44th Annual Seminar (October 2017)
- Moderator, “Pay Equity” and “Labor & Employment Law in the Trump Era - A View From DC,” *California Lawyer* Employment Law Forum (July 2017)
- “Precedents and Predictions: A Review of 2016’s Significant Labor and Employment Law Developments and What to Expect in 2017,” O’Melveny’s Employment Law Update (January 2017)
- “Changing Standards for Determining ‘Who is the Employee?,”” Edison Electric Institute - Fall Legal Conference (October 2016)
- “Telling Your CSR Story on Social Media - How To Not Get Yourself Sued,” ACCP Webinar (August 2016)
- “Precedents and Predictions: A Review of 2015’s Significant Labor and Employment Law Developments and What to Expect in 2016,” O’Melveny’s Employment Law Update (February 2016)
- “The Practical Implications of Recent Federal and California Arbitration Decisions for Employment and Consumer Litigation,” Judicate West’s Arbitrating in 2016 (January 2016)
- “Current Issues in Whistleblower and Retaliation Claims and Internal Investigations,” CELC Annual Meeting (November 2015)
- “Title IX & K-12 Schools,” UCLA Law Symposium (November 2015)
- “Whistleblowing: Avoiding Million Dollar Judgments,” 5th Advanced Wage & Hour Conference and 32nd Labor and Employment Law Section Annual Meeting (July 2015)
- “Where There Is Smoke, There Is Fire: Legalized Marijuana and Its Direct Impact on Laws and Lawyers,” *Association of Business Trial Lawyers* (January 2015)
- “Class Action Waivers and State Laws: What Happens After Concepcion,” ABA’s Annual Labor and Employment Law Conference (November 2014)
- “Lessons Learned from Navigating Landmines of a Contingent Work Force,” American Employment Law Council Conference (October 2014)
- “An In-House Perspective: Handling Labor and Employment Matters Effectively, Efficiently, and Imaginatively,” California Employment Law Council, Annual Meeting (November 2013)
- “Overcoming Hurdles in Class Certification,” ABA (November 2013)
- “7th Annual Section of Labor and Employment Law Conference,” ABA (June 2013)
- “Cutting Edge Class Action Defense Tactics,” California Employment Law Council Annual Meeting (November 2012)
- “Emerging Issues in Pattern and Class Actions,” *Practising Law Institute* (September 2012)
- “Company & Employee Use of Social Media: Using Social Media to Your Advantage While Maintaining Privacy and Protection,” ACI’s 12th National Privacy & Security of Consumer and Employee Information Conference (July 2012)
- “Company & Employee Usage of Social Media,” ACI’s 11th Annual Legal and Compliance Forum on Privacy & Security of Consumer and Employee Information (February 2012)
- “Precedents and Predictions: A Review of 2011’s Significant Labor and Employment Law Developments and What to Expect in 2012,” O’Melveny Seminar (January 2012)

- “Non-Exempt Employee Compensation: Traps For The Unwary,” *Bloomberg Labor & Employment Reports* (December 2011)
- “Class Action Litigation and Arbitration After *Wal-Mart v. Dukes* and *AT&T v. Concepcion*,” *California Employment Law Update* 2011 (November 2011)
- “California Employment Law Update 2011,” *PLI* (November 2011)
- “13th National Wage & Hour Conference,” ACI September 2011)
- “Strategic Issues Related to Employee Exemption Review,” *Bloomberg Labor & Employment Reports* (August 2011)
- “Navigating the New Federal Regulations under the Americans with Disabilities Act,” O’Melveny Seminar (June 2011)
- “Inside the New FLSA Amendments,” *Law360* (May 2011)
- “Getting Choosy: How to find (and Be) the Right Neutral for the Job,” Los Angeles County Bar Association’s 30th Annual Labor and Employment Law Symposium (March 2010)
- “Regular Rate, Donning & Doffing and Audits: Missing the Basics Can Cost Dearly,” 38th Annual Institute on Employment Law, *Practising Law Institute* (October 2009)
- “Strategically Managing Your Workforce—Adjusting to Changes on Wall Street and in Washington,” California Employment Law Council Conference (June 2009)
- “Employment Law in a New Business Era,” Los Angeles County Bar Association, Corporate Law Roundtable (March 2009)
- Four-part O’Melveny & Myers Labor and Employment Seminar (January and February 2009)
- “Tips and Tactics for Responding to Threatened or Suspected Employee Theft of Trade Secrets,” O’Melveny Seminar (May 2009)
- “Ethical Issues in Class Action and Other Settlement Negotiations,” LACBA’s 29th Annual Labor and Employment Law Symposium (March 2009)
- Master of Ceremonies, Institute for Corporate Counsel (December 2008)
- “Applicant Screening: Legal Issues and Practical Solutions to Vetting Applicants in the Brave New World of Google, Facebook, and You Tube,” American Employment Law Council Conference (October 2008)
- “The Viability of Non-Compete Clauses Post *Edwards v. Arthur Andersen LLP*,” California Employment Law Council Conference (September 2008)
- “How to Conduct Internal Investigations: Lessons Learned From Recent Corporate Scandals,” California Employment Law Council Conference (June 2007)
- “Recent Developments in California and Federal Employment Law,” Los Angeles County Bar Association Symposium (March 2007)

Honors & Awards

- Recognized by *Lawyers of Distinction* for Labor & Employment (2023)
- Ranked by *Chambers USA* for Labor & Employment (2022-2023)
- Selected by the *Daily Journal* as a Top Woman Lawyer (2012-2013, 2016, 2018, 2022)

- Recognized by *Chambers Global* for Labor & Employment (2022-2023)
- Named to the Lawdragon 500 Leading Lawyers in America (2018-2022)
- Ranked by *Benchmark Litigation* as a Labor & Employment Star (2022-2023)
- Selected by the *Los Angeles Business Journal* as one of the “Most Influential People in Los Angeles” (2021)
- Selected by *Lawdragon* to its “Leading Corporate Employment Lawyers Guide” (2020, 2021)
- Named to the “LA500” by the *Los Angeles Business Journal* (2019, 2020, 2021)
- Named a Local Litigation Star by *Benchmark Litigation* in Labor & Employment (2020, 2023)
- Selected by *HR Executive* and *Lawdragon* to its “Most Powerful Employment Lawyers” list (2014-2019)
- Ranked by *Chambers USA: America’s Leading Lawyers for Business* (2011-2021)
- Selected by the *Daily Journal* as a Top Labor and Employment Lawyer (2010-2021)
- Chosen by the *Los Angeles Business Journal* as the publication’s Labor & Employment Firm Attorney of the Year (2018)
- Named by the *Daily Journal* to its list of “Top 100 Lawyers” (2015-2016, 2018)
- Ranked by *The Legal 500 US* (2011-2022)
- Selected to the *National Law Journal’s* “Trailblazers - Litigation” list (2016)
- Selected by the *Los Angeles Business Journal* as one of the “Most Influential Minority Lawyers” (2016)
- Selected by *Los Angeles* magazine as a Top Woman Lawyer (2016)
- Recognized by *Best Lawyers®* 2023 for Employment Law - Management, Labor Law - Management, and Litigation - Labor and Employment in Los Angeles, CA; Apalla has been listed in *Best Lawyers®* since 2010
- Recognized by *Who’s Who Legal: Labour & Employment* (2016-2019)
- Named to the *Southern California Super Lawyers* lists via surveys conducted by Law & Politics Media Inc. and published in *Los Angeles* magazine (2004-2022)