



Jennifer Rosner

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Jennifer is a prolific litigator with an extensive background in suits involving discrimination, harassment and retaliation, as well as disciplinary and due process issues, and other employment law topics. In addition to her work as a litigator, Jennifer has successfully represented clients in arbitrations and in administrative appeal hearings.

Jennifer has considerable experience with law enforcement issues, including the Public Safety Officers Procedural Bill of Rights Act, and defending law enforcement agencies in such areas as officer discipline, Section 1983 claims and Pitchess Motion hearings.

Prior to joining Liebert Cassidy Whitmore's Los Angeles office, Jennifer practiced employment, business and general civil litigation. She has experience with managing cases from inception through trial and has served as lead counsel in both Superior and Federal Court cases.

Education

JD, Loyola Marymount University School of Law
BA, University of California, Los Angeles

Legal Expertise

Employment Law
Litigation Services
Public Safety
Wage and Hour

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Representative Matters

Appellate:

Jorge Castaneda v. County Of Orange (2012) - The Court of Appeal held that former Deputy Juvenile Correctional Officer Jorge Castaneda's only means for challenging the outcome of binding arbitration concerning his termination from employment was based on a petition pursuant to Code of Civil Procedure Section 1285, also known as the California Arbitration Act. Appellant's failure to do so was fatal to his appeal and the termination was upheld.

Kansaku v. Hermosa Beach (2012) - In this litigation, the City of Hermosa Beach prevailed in a dispute about a police officer's right to an administrative appeal under Government Code Section 3304(b).

Jessica Jackson v. Los Angeles Unified School District (2011) - Successfully defended summary judgment in favor of the District in a case involving racial harassment, discrimination, failure to prevent and retaliation.

Crosby v. South Orange Community College District (2009) - A community college student challenged a college after it requested him to leave a library because he was using the library internet connection to view Facebook and other non-instructional content. The Court of Appeal sustained a trial court ruling that a college could impose reasonable time, place and manner regulations on the use of internet access in a college library.

Litigation:

Neely Nakamura v. City of Riverside Police Department, et al. (2013) - Successfully defended City of Riverside and seven individual defendants, from demurrer through trial and the final non-suit, in a case where a police officer alleged eight causes of action. After 2 demurrers, which resulted in the dismissal of 4 of the individual defendants and 3 causes of action, Plaintiff's Third Amended Complaint alleged claims for: 1) Unlawful Search and Seizure; 2) Violation of the Public Safety Officer's Procedural Bill of Rights; 3) False Imprisonment; 4) Conversion; and 5) Violation of 42 U.S.C. section 1983. The Court granted summary adjudication as to all of Plaintiff's causes of action except the third cause of cause of action for false imprisonment against the City and the three individual defendants. The Court granted non-suit as to this cause of action at trial.

Jowski v. City of Hesperia (2012) - The Court found that the City was entitled to summary judgment against Jowski and his claims for disability discrimination and retaliation under the FEHA. Jowski was an insulin dependent diabetic. The City released Jowski after four months of probation with the City because he could not perform the essential functions of the Code Enforcement Officer position, which included communicating and interacting with members of the public. The Court found that Jowski could not demonstrate that he was performing competently in his job position or that his disability was a factor in the City's decision to release him from probation. The Court found that the City had legitimate, non-discriminatory and non-retaliatory reasons for releasing Jowski from employment.

James Marvin, et al. v. Housing Authority of the City of Los Angeles (2011) -

The Court found that HACLA was entitled to summary judgment, because Plaintiffs had not exhausted their administrative remedies. In addition, the court found that Plaintiffs were unable to demonstrate that

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they engaged in protected activity or show a causal link between their complaints to HACLA and any adverse action taken against them by HACLA.

Finally, the Court found that it was undisputed that the pest control operators were added to the list of positions, which were proposed for elimination because they were not essential to the daily operations of HACLA, and it would be more cost effective to contract out for those services. The Court found that these were legitimate, non-retaliatory reasons for Plaintiffs' layoffs.

Donovan Sellan, et al. v. Gregory Savelli, et al (2011) - On March 13, 2009, Plaintiffs Scott Kansaku, Donovan Sellan and David Bohacik filed a lawsuit against the City of Hermosa Beach, the Hermosa Beach Police Department Stephen Burrell, Gregory Savelli, Thomas Bohlin and Thomas Eckert. Plaintiffs alleged two causes of action under the Public Safety Officers Procedural Bill of Rights. ("POBR") and a third cause of action under 42 U.S.C. section 1983. Defendants removed the lawsuit to federal court. Following motions to dismiss, the individual defendants and the third cause of action were dismissed from the lawsuit. The lawsuit was then remanded back to the Superior Court for adjudication of the remaining state law claims. On August 10, 2010, the Court granted summary judgment against Plaintiff Scott Kansaku. The Court found that Defendants did not violate Plaintiff Kansaku's rights under the POBR.

Yevnovkian v. Los Angeles Unified School District (2010) - Successfully represented the District against a petition for writ of mandate seeking reinstatement of a teacher who resigned and retired via a supplemental retirement program.

Ramirez v. City of Hermosa Beach (2009) - Prevailed in an eight day jury trial which involved a section 1983/First Amendment/retaliation claim brought by a police officer naming the City, the Police Chief and various members of the command staff as individual defendants. The City was dismissed from Plaintiff's First Amendment claim prior to the jury trial. The jury returned with a verdict in favor of the individual Defendants. Specifically, the jury found that the individual Defendants did not retaliate against the officer based upon his First Amendment speech and/or activities as a member of the Hermosa Beach Police Officers Association.

Publications

Extending Qualified Immunity To Private Individuals, *Employment and Appellate Law* 360, May 2012, with Jeffrey C. Freedman

The New (and Improved) Dating Game: Employers Endeavor To Change The Rules To Limit Liability, *May/June 2006 issue of Municipal Lawyer*, May 2006, with J. Scott Tiedemann

The Rights Of Employees In Taking And Returning From Military Leave, *Employment Practices Monthly*, May 2006, with J. Scott Tiedemann

Presentations

Preventing Workplace Harassment, Discrimination and Retaliation - City of Santa Barbara - Santa Barbara - August 7, 2013

Preventing Workplace Harassment, Discrimination and Retaliation - Gateway Public ERC - Long Beach - June 6, 2013

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Accommodating Bad Behavior: The Limits on Disciplining Disabled Employees - Los Angeles County Human Resources Consortium - Los Angeles - May 9, 2013

Setting The Record Straight With Performance Evaluations. Legal and Practical Approaches. - Liebert Cassidy Whitmore Annual Conference - Newport Beach - March 21, 2013

Retaliation - Los Angeles County Human Resources Consortium - Los Angeles - February 20, 2013

Managing Performance Through Evaluation - Ventura/Santa Barbara ERC - Santa Paula - January 30, 2013

Leaves, Leaves and More Leaves: Can You Still Effectively Operate? - Channel Islands Public Management Association HR - Oxnard - July 11, 2012