



Jesse Maddox

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EXPERIENCE

Jesse Maddox is a partner in Liebert Cassidy Whitmore's Fresno and Sacramento offices, and serves on the Executive Committees of the Firm's Litigation and Public Safety Practice Groups. Jesse is an experienced trial attorney who represents clients in all aspects of employment and labor law, including litigation, counseling on employment matters, training and presentations, employee discipline, administrative hearings, and investigations.

As lead attorney, Jesse has litigated over 100 employment law actions in federal and state courts through all stages of litigation, including jury trials, bench trials, and appeals. He regularly defends public and private employers against discrimination, harassment, and retaliation claims under state and federal law; whistleblower retaliation claims; privacy and defamation claims; wage and hour claims under state law and the Fair Labor Standards Act (FLSA); FMLA and CFRA claims; and constitutional free speech and excessive force claims under 42 U.S.C. § 1983. Jesse has successfully defended cities, counties, hospitals, community college and K-12 school districts, special districts, and various other employers throughout California.

In addition to his litigation experience, Jesse has considerable experience with law enforcement issues, including the Public Safety Officers and Firefighters Procedural Bill of Rights Acts, and defending public safety agencies in such areas as officer discipline and excessive force lawsuits.

Jesse was recognized as a Northern California *Super Lawyer* in the years 2010-2015. Jesse's work as lead trial attorney in 'Glynn v. City of Stockton' received recognition as a "Top Verdict" in 2017 by the *Daily Journal*. He also was named a "Top Labor and Employment Lawyer" in 2018 and 2019 by the *Daily Journal*.

Prior to joining Liebert Cassidy Whitmore, Jesse worked for a statewide law firm advising and representing cities in a variety of matters, and K-12 and Community College Districts in student and employment matters, including handling student expulsions, layoffs, and certificated and classified dismissals.

EDUCATION

JD, University of Nebraska, College of Law
BS, University of Nebraska

LEGAL EXPERTISE

Employment Law
Litigation Services
Public Education
Public Safety

REPRESENTATIVE MATTERS

ADMINISTRATIVE HEARINGS

J.M. v. City of Modesto (2017) - Arbitrator upheld the termination of a Police Officer for excessive force.

G.Z. v. City of Modesto (2013) - Hearing Officer upheld discipline of a public works employee who had difficulty with personal interactions with co-workers.

N.B. v. County of Mariposa (2013) - Arbitrator ruled in the County's favor in a contract grievance.

S.K. v. City of Dos Palos (2012) - Hearing Officer upheld the termination of a dispatcher for violation of a misdemeanor statute and dishonesty.

M.N. v. City of Madera (2012) - Civil Service Commission upheld the suspension of a police officer who violated the department's use of force policy.

J.S. v. State Center Community College District (2011) - Arbitrator upheld the suspension of a police sergeant who had difficulty interacting with co-workers.

P.L. v. Stanislaus County (2010) - Panel upheld the suspension.

M.V. v. County of Mariposa (2009) - Arbitrator upheld termination.

A.G. v. City of Modesto (2009) - Arbitrator upheld termination.

APPELLATE

Cuevas v. City of Campbell (2015) - The Sixth District Court of Appeal upheld the City's decision to terminate a police officer.

Scott v. Promesa Behavioral Health (2014) - The Fifth District Court of Appeal affirmed summary judgment for Promesa in a pregnancy discrimination lawsuit.

Keylon v. City of Dos Palos (2014) - The Fifth District Court of Appeal reversed a trial court decision that awarded approximately one year of back pay to a former Dispatcher.

LITIGATION

Glynn v. City of Stockton (2017) - Represented the City of Stockton against causes of action for pregnancy/gender discrimination and whistleblower retaliation in Federal District Court for the Eastern District in Sacramento. The jury returned a unanimous defense verdict in favor of the City on both claims, finding that neither Plaintiff's pregnancy, gender, nor her disclosures of information contributed to the City's decision to terminate her employment. This case was selected as one of California's "Top Verdicts" of 2017 by the *Daily Journal*.

Yates v. Mammoth Community Water District (2016) - Mono County Superior Court sustained the District's Demurrer without leave to amend in this matter which alleged violations of Section 1983 retaliation, Unfair Business Practices and Malicious Prosecution.

Graff, et al v. City of Tehachapi (2016) - The U.S District Court, Eastern District granted a motion to dismiss the City from all causes of actions (including Section 1983 First Amendment relation and CA Labor Code section 1102.5).

Lopez v. Esparza Enterprises, Inc. (2016) - Kern County Superior Court. The Court granted dismissal of a former employee's retaliation lawsuit.

Einhaus v. Kern Community College District (2016) - Kern County Superior Court. The Court denied a former employee's petition for writ of mandate, which requested that the Court require the District to pay the former employee during the pendency of his disciplinary appeal.

Gonzales v. City of McFarland (2014) - U.S. District Court First Amendment retaliation case.

Kasper v. City of Modesto (2014) - U.S. District Court sex and disability discrimination case.

Kennedy v. Kings Mosquito Abatement District (2014) - U.S. District Court race discrimination case.

Vasquez v. City of Coalinga (2014) - Fresno Superior Court disability discrimination case.

Rodriguez v. Kern County (2014) - Kern County Superior Court. The plaintiff voluntarily dismissed this gender discrimination and harassment lawsuit after the County filed a motion for summary judgment.

Johnson v. Lompoc Valley Medical Center (2013) - Santa Barbara County Superior Court. After five days of trial, the Court granted judgment for the Lompoc Valley Medical Center in a disability discrimination and retaliation lawsuit.

Newby v. Fresno Heart Hospital (2011) - Fresno County Superior Court disability discrimination and failure to accommodate case.

Gunn v. Fresno Community Hospital (2011) - Fresno County Superior Court breach of implied contract case.

Peveto v. Fresno Community Hospital (2011) - Fresno County Superior Court case alleging sexual harassment, failure to pay overtime, failure to provide rest periods, failure to pay compensation timely upon severance of employment and unfair business practices.

Noriega v. City of Madera (2011) - State Court. Police officer petitioned the Court for a writ alleging POBR and due process violations. After the writ hearing, the Judge ruled in the City's favor.

Myers v. City of Madera (2011) - Federal Court. A former police officer filed suit against the City, its Police Department, and several high-ranking officers based on an alleged violation of his civil rights, among other claims. The Court granted the defendants' motion for judgment on the pleadings, with leave to amend. The Court later granted defendants' motion to dismiss plaintiff's first amended complaint, with leave to amend. Plaintiff delayed filing a second amended complaint and the Court granted defendants' motion to dismiss the entire action.

Powell v. City of Madera (2010) - State Court. Police officer petitioned the Court for a writ seeking to compel the City to make him a permanent Sergeant and alleging POBR violations. After the writ hearing, the Judge ruled in favor of the City and its Police Department.

Lial v. County of Stanislaus (2010) - Federal Court. An employee alleged sexual harassment, disability discrimination, and retaliation against the County and her supervisor. The Court granted the defendants' motion for summary judgment, and later awarded the County part of its attorneys' fees.

Stamper, et al. v. Kings County (2009) - State Court. Former police officer and his union petitioned the Court for a writ of mandate to overturn his release from probation as a sergeant. He claimed that the County violated his POBR rights by not allowing him to respond to certain memos prepared during his probationary period. The Judge ruled in the County's favor on all causes of action after the writ hearing.

Creighton v. City of Livingston (2009) - Federal Court. Former employee brought a retaliation suit against the City and its City Manager, claiming the City terminated him because he exercised his free speech rights. Six of the seven claims were dismissed following a motion to dismiss. The decision is published at 628 F.Supp.2d 1199 (E.D.Cal. 2009). Plaintiff re-alleged all but one of the claims in an Amended Complaint, and upon a second motion to dismiss, another claim was dismissed.

Davenport v. State Center CCD (2009) - Federal Court. Former professor sued the District alleging that it terminated him in retaliation for allegedly filing a sexual harassment complaint. Shelline Bennett and Jesse Maddox were successful in dismissing Davenport's state law claims at the motion to dismiss stage, partially dismissing his federal retaliation claim in the second motion to dismiss, and later successful on his federal claims in a motion for summary judgment. The Court's decision granting the motion for summary judgment is published at 654 F.Supp.2d 1073 (E.D. 2009).

PERB

MCEA v. City of Modesto (2008) - The City prevailed in an action that alleged it had violated the Meyers-Milias-Brown Act (MMBA) by increasing an employee's disciplinary suspension from two to five days in retaliation for his appeal of the suspension. PERB Dec. No. 1994-M.

AFFILIATIONS

Fresno County Bar Association

Federal Bar Association

American Bar Association

AWARDS

Northern California *Super Lawyers* Rising Stars in the field of Employment Litigation-Defense, (2010-2015)

Top 75 Labor & Employment Lawyers, *Daily Journal*, (2018 & 2019)

PUBLICATIONS

Use It or Lose It: SCOTUS Decision Clarifies that Employers Must Assert an Administrative Exhaustion Defense Early During Litigation, Sep 27, 2019

Is the Holiday Over? Public Agencies May Face Wave of FLSA Suits, Apr 3, 2019

Changes to Sexual Harassment Laws Could Open California Employers to Increased Liability, Feb 1, 2019

LCW Victory Named “2017 Top Verdict”, *Press Release* Mar 1, 2018

LCW Victory Named “Case of the Month”, *Press Release* May 4, 2017