



## Marie Trimble Holvick

### PARTNER

San Francisco

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### RELATED SERVICES

- Employment
- Government Investigations & Enforcement Defense
- Class Action Defense
- Retail & Hospitality
- Education
- Trial Practice

### OFFICES

- San Francisco
- Walnut Creek

### OVERVIEW

Marie Trimble Holvick is Managing Partner of the firm's San Francisco office, which includes oversight of the firm's operations across the region, and serves as Chair of the firm's Retail & Hospitality practice group.

Marie is an experienced trial attorney with expertise in handling employment matters involving allegations of discrimination, harassment, retaliation, and wrongful termination. She also regularly handles lawsuits involving class action "wage and hour" violations and PAGA claims.

In addition to her litigation practice, Marie regularly provides advice and counseling, drafts employee handbooks, conducts harassment and management training sessions, and performs workplace investigations.

Marie's employment law work involves clients from a wide range of industries, including universities, hospitals and clinics, retail, manufacturing, management companies, and staffing agencies. Marie is also very active in the hospitality industry, and has developed an expertise in defending restaurants, wineries, and hotels in employment and ADA litigation.

In addition to appearances in state and federal court, Ms. Holvick has handled matters involving the Department of Labor, the Division of Labor Standards Enforcement, the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, the Workers Compensation Appeals Board, and the National Labor Relations Board.

Marie regularly handles ADA Title III cases, including accessibility claims against theaters, restaurants, and stadiums. She also handles Labor Code § 132a claims and claims of Serious & Willful Misconduct filed with the Workers Compensation Appeals Board.

## REPRESENTATIVE EXPERIENCE

Examples of Ms. Holvick's range of experience include the following:

- Following a month-long trial, obtained a defense verdict on four of five causes of action involving claims of disability discrimination, harassment and retaliation filed by a current employee at a Bay Area medical clinic.
- Obtained court approval of several PAGA and wage and hour class action settlements for Bay Area restaurants.
- Obtained a complete defense verdict following a seven-week jury trial conducted via Zoom on behalf of the firm's University client. The plaintiff was a former assistant professor accused of sexual harassment by four students. As a result, the plaintiff was terminated following multiple Title IX investigations, an investigation by faculty investigators, and a hearing conducted by the University's Committee on Privilege & Tenure. The allegations against the plaintiff were widely publicized at the time, as was the decision to terminate him. In response, the plaintiff alleged that he had been subjected to disability discrimination, harassment, and retaliation. Specifically, he denied the sexual harassment allegations and claimed that his disability was the real motivation to terminate him. The plaintiff requested an award of several million dollars, but the jury returned a defense verdict in favor of the University and awarded the plaintiff nothing. The University filed a cross-complaint against the plaintiff to recover money paid to settle claims filed by the four students who had accused the plaintiff of sexual harassment. The jury also found in favor of the University with respect to the cross-complaint.
- Successfully defending a manufacturing company in arbitration following litigation on a former employee's wrongful termination and retaliation claims related to alleged whistleblowing activities pertaining to the International Traffic in Arms Regulations.

- Obtaining a defense verdict in state court stemming from a former employee's claims against his restaurant employer for same-sex sexual harassment, failure to prevent harassment, and retaliation.
- Defending a variety of employers, including restaurants and hotels, in single plaintiff and class action "wage and hour" litigation in state and federal court, as well as claims filed with the Division of Labor Standards Enforcement.
- Defending a non-profit organization in claims filed by former employees with the National Labor Relations Board.
- Providing employment counseling advice to employers in a variety of industries, including health care, non-profit organizations, restaurants, and hotels.
- Defending employers against petitions filed with the Workers Compensation Appeals Board for alleged violations of Labor Code section 132a and Serious & Willful Misconduct.
- Assisting employers in workplace investigations conducted by the Department of Labor.

## PUBLICATIONS

### Publications & Media Coverage

- Interview, Hot Topics in Food Start-Up Law, *Foodable* (January 2020)
- Quoted, Line Cooks, On Demand – Are hiring apps like Pared and Instawork the answer to restaurant staffing shortages?, *Eater* (December 2019)
- Who Is the Gatekeeper to Arbitration?, *ADC Defense Comment*, (Spring 2019)
- Quoted, *Of Counsel – The Legal Practice and Management Report* (July 2018)
- Class Action Waivers Held Enforceable in Employment Context, Should Your Restaurant Implement a Waiver?, *Golden Gate Restaurant Association Newsletter* (June 2018)
- Tips for Avoiding ADA Litigation, *Golden Gate Restaurant Association Newsletter* (June 2018)
- Can Back of the House Staff Participate in a Tip Pool?, *Golden Gate Restaurant Association Newsletter* (March 2018)
- Immigration Compliance: Now Is The Time To Complete A Self Audit, *Golden Gate Restaurant Association Newsletter* (February 2018)
- Complying with the DOL's New Overtime Regulations, *Golden Gate Restaurant Association Newsletter* (June 2016)

## PRESENTATIONS

- Disability Accommodations and the Interactive Process: Tips for Success, GRSM Legal Education Conference, San Francisco, CA, September 2024
- Building Your Personal Brand, Association of Defense Counsel of Northern California and Nevada Summer Session, Olympic Valley, CA (August 3, 2024)
- Listen and Learn with the GGRA: Wage & Hour Best Practices & Legal Updates, Golden Gate Restaurant Association Webinar (August 7, 2024)

- Strategies for a Successful Mediation in Wage and Hour Class and PAGA Actions, 13th Annual Advanced Wage and Hour Virtual Conference (October 26, 2023)
- Navigating Complex Employment Law: Best Practices for Hiring and Firing in the Current Litigation-Forward Environment, GRSM Legal Education Conference, San Francisco, CA (September 2023)
- Best Practices for Navigating Disability Laws and Policies (February 8, 2022)
- COVID-19: Safety and Legal Challenges for Open Businesses, Forensic Analytical (June 2020)
- COVID-19: Re-Opening Businesses – How to Protect People, Property and Your Business, Travelers Insurance (May 2020)
- Legal Guidance in the Time of Covid-19 Google Hangout, Webinar (March 2020)
- Reading and Interacting with Your Audience, FDCC Inaugural Public Speaking Conference (March 3, 2020)
- #METOO: The Next Phase, GRSM Legal Education Conference, San Francisco (October 2019)
- Hot Button Issues and New Developments in Employment Litigation, GRSM Legal Education Conference, San Francisco (October 2018)
- Reverse Mentoring with a Technological Twist, The Texas Association of Defense Counsel (July 2018)
- 2018 Compliance Updates, Golden Gate Restaurant Association Industry Conference (April 2018)
- Counseling, Reviews, & Handling Difficult Employees in the Workplace, Vertical Alliance Group, Inc. Webinar (March 2018)
- Counseling, Reviews, & Handling Difficult Employees in the Workplace, GRSM National Employment Law Webinar Series (September 2017)
- Avoiding Costly Litigation, Golden Gate Restaurant Association Industry Conference (April 2017)
- Do the Math: Calculating Exposure and Damages in Wage and Hour Cases, Association of Defense Counsel of Northern California and Nevada's Employment Law Update (January 2017)
- From Hiring to Firing: How to Handle Difficult Employees in the Workplace, GRSM National Employment Law Webinar Series (July 2016)
- Counseling, Reviews & Handling Difficult Employees in the Workplace, Monitor Webinar Series (July 2016)
- Ethical Use of Social Media to Help Win Your Case, DRI Young Lawyers Seminar (June 2015)
- Examining the Nuts & Bolts: Workplace Accommodations, FMLA and ADA, GRSM National Employment Law Webinar Series (February 2015)
- Today's Technology, Smart Phones, Texts and Emails, Important Considerations for Today's Technology in Litigation, Defense Lawyers Association of Wyoming (December 2014)
- Recent Developments in the Law on Social Media: How Employers Can Avoid the Traps of Evolving Regulations, Association of Defense Counsel of Northern California and Nevada's 55th Annual Meeting (December 2014)
- How to Strengthen and Reinvigorate Your SLDO, Young Lawyers, DRI Annual Meeting (October 2014)

- Social Media: Perils and Pitfalls, Iowa Defense Counsel Association Annual Meeting (September 2014)
- Social Media in Litigation, Idaho Association of Defense Counsel Annual Meeting (September 2014)
- How to Ethically Use Social Media in Litigation, Bar Association of San Francisco (June 2014)
- A Road Map to HR Excellence: Best Practices and Policies, GRSM 2014 National Employment Law Webinar series (March 2014)
- Employment Agreements in California: What You Need to Know Before You Ask That Employee to Sign on the Dotted Line, Business & Legal Resources Conference (January 2014)

## CREDENTIALS

### Admissions

- California

### Memberships

- Golden Gate Restaurant Association, Board of Directors
- Foodwise
  - President of the Board of Directors, 2021 to present
  - Board of Directors, 2017 to present
- Federation of Defense and Corporate Counsel (FDCC)
- Defense Research Institute (DRI)
  - DRI Employment Law Steering Committee – current
  - DRI Retail & Hospitality Committee – current
  - DRI Young Lawyers Steering Committee – past member
  - DRI Women in the Law Committee
- Association of Defense Counsel of Northern California and Nevada
  - Member of the Board of Directors, 2010-2014 and 2016-2018

### Education

- J.D., Washington & Lee University School of Law, 2008
- Trinity College Dublin in Dublin, Ireland, 2007
- B.A., *cum laude*, Politics and Journalism, Washington & Lee University, 2005
  - President of the Student Body
  - Chi Omega
  - Member, NCAA Division III Women's Tennis Team
- IADC Trial Academy, 2014

## **Honors**

- *Best Lawyers in America*® distinction in Employment Law – Management (2023-2025)
- *Super Lawyers*® distinction in the field of Employment Litigation Defense (2023, 2024)
- 2019 President’s Award recipient, Association of Defense Counsel of Northern California and Nevada
- *Rising Stars*® distinction in the field of Employment Litigation Defense (2015-2018)