

JANINE R. MENHENNET
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HIGHLIGHTS: More than ten years civil litigation in all areas. Most recently, eight-plus years complex class action wage and hour litigation. Prepared and argued multiple federal and state appeals in the California Court of Appeal, Ninth Circuit, and Sixth Circuit. Successful reconsideration of motion for class certification, doubling size of class and value of case. Preparing and taking person most knowledgeable and Rule 30(b)(6) depositions. Admitted in every federal district in California, the Ninth Circuit, and the Sixth Circuit. Management and analysis of large ESI databases. Successful motions to change venue, motions to quash and motions to compel.

Experience

Menhennet Law APC, La Jolla, California

June, 2018 to present.

All motions involved in state and federal settings. All discovery requests and responses in various civil settings, including plaintiff and defense wrongful termination, wage and hour, and business and partnership disputes. Prepare trial brief in partnership dispute resulting in non-suit. Set asides of motions for default. Successful appellate opposition to motion for stay. Motions for preliminary approval of class and private attorneys general actions. Discovery and complaints in employment disputes. Successful motions to quash, to change venue, to compel. Lemon law prosecution. ADA defense. Successful oppositions to demurrers, motions for summary judgment. Malicious prosecution plaintiff and defense. Defense of Labor Commissioner complaints. Successful motion for more definite statement in federal ADA case.

Cohelan, Khoury & Singer, San Diego, California

May, 2016 to June, 2018

- Managing attorney on dozens of plaintiffs' wage and hour class actions against large and small corporations, in multiple state and federal jurisdictions, including multidistrict litigation. Prepare PAGA letters, complaints, discovery, law and motion, class certification motions, appellate briefs in state and federal court.
- Complex class cases involving defendant classes, deceptive consumer labeling, and partial class settlements.
- Preparation and argument of motions for preliminary and final approval, including fee motions, in state and federal court.
- Wage and hour issues: regular rate of pay, misclassification, rounding, off-the-clock, meal and rest break violations, identification of discrete subclasses based on evidence.
- Oral argument in front of the Sixth Circuit United States Court of Appeals; prepared all briefs and multiple appellate motions.

- Prepared amicus brief on behalf of California Employment Lawyers Association in wage and hour case.
- Highlights: Successful mediations and resolution of multimillion dollar settlements through disbursement; successful motion for reconsideration of class certification; successful appellate motion to stay.

The Markham Law Firm, San Diego, California

September, 2012 to April, 2016

- Managing attorney on multiple plaintiffs' wage and hour class action matters against Fortune 100 corporations, in multiple state and federal jurisdictions, including multidistrict litigation. Includes all activities from inception, pleadings, discovery, motions, and trial preparation and appellate practice.
- Managing attorney on national antitrust class action matters against Fortune 100 corporations.
- All preparation, drafting and filing appellate briefs in federal and state courts.
- Highlights: successful Rule 23(f) petition for permission to appeal; successful motion for class certification; successful motion to remand; successful motion to conditionally certify a class under the Fair Labor Standards Act; successful motion to deny protective order; successful motion to transfer venue; successful mediations, resolving employee misclassification issues and unpaid compensation issues.

Contract Attorney

January, 2008 to September, 2012

- Jury Trial
- Bench Trials
- Federal and State Appeals
- Mediations
- Depositions
- Expert Depositions
- All Motions
- Discovery
- Pleadings

Jury Trial (second chair) included all trial preparation, jury selection, and witness examination. Obtained verdict for real estate fraud and punitive damages. Successful motion for attorneys' fees with no reduction.

Bench Trials: One solo bench trial, successful defense verdict. Recent bench trial, successfully voided twenty-year lease. Third bench trial regarding officers' breach of duty in nonprofit corporation.

Appeals: Successful oral argument to Ninth Circuit United States Court of Appeals and Fourth Appellate District in San Diego. Prepared several opening,

answering, and reply briefs, typically to Ninth Circuit. Prepared oppositions to appeal bonds and oppositions to motions to dismiss.

Motions in state and federal courts: motions for judgment on the pleadings; motions to strike; demurrers; motions to amend; motions to compel; motion for reconsideration; motion for summary judgment; motions in limine; evidentiary trial briefs; motion for attorneys' fees; motions to quash; motion to continue trial; ex parte proceedings.

Substantive matters: Commercial contract disputes, breach of duty in real estate fraud, complex litigation, liability for receivership, insurance bad faith, state court jurisdiction in ecclesiastical governance, litigation privilege regarding fraudulent settlement agreements, board of director fiduciary responsibilities in nonprofit corporations, and personal injury matters.

Blumberg Dagan, LLP, Solana Beach, CA

January, 2007 to December, 2007

- Prepared all firm motions, including successful demurrers, ex parte applications, motions for judgment on the pleadings, motions for summary judgment and adjudication, motions to compel, and all related oppositions, declarations, and replies;
- Case management on business and contract dispute matters, including pleadings, discovery, depositions, motions, arbitration and mediation briefs, joint trial readiness reports, expert designations, and client management;
- Substantive issues include insurance licensing and broker disputes, breach of contract, fraud, product liability, premises liability, medical malpractice, and personal injury.

White & Oliver, San Diego, CA

December, 2005 to January, 2007

- Research projects on confidential matters for religious entities, involving novel constitutional issues; contractual obligations in liability-producing activities on hotel premises; protection of trade secret issues among software companies;
- Prevailed on ex parte temporary restraining order regarding breach of contract; motions for summary judgment;
- Synthesis of rulings in related complex litigation matters for guidance in directing ongoing litigation.

Ott & Horowitz, Glendale, CA

1994 to 1997

- Employment litigation
- General credit union representation and advisement; conducted hostile work environment investigations; prepared severance offers and packages
- Prevailed in suit prohibiting taxation of federal credit unions.

- Responded to labor organization in corporate setting, attended organization election, and appeared in front of National Labor Relations Board.

Knapp, Petersen & Clarke, Glendale, CA

Associate, 1992 to 1993

Summer Associate, 1991

Bad faith, premises liability, automobile defense, and cremains litigation.

Hon. Arthur Alarcon, Ninth Circuit United States Court of Appeals

Extern, 1990

Prepared research memoranda on an arbitrator's authority to resolve labor union conflicts which arise during a merger (*Van Waters & Rogers v. Local 70* (9th Cir. 1990) 913 F.2d 736), and constitutionally appropriate criminal punishment in perjury cases (*U.S. v. Clark* (9th Cir. 1990) 918 F.2d 843).

Education

Loyola Law School, Los Angeles

Juris Doctor, 1992

Editor, Loyola of Los Angeles Entertainment Law Journal, Vol. 12

University of California, Berkeley

Bachelor of Arts, Psychology, 1988

Commencement Speaker, Psychology Ceremony, May 22, 1988

Editor, California Legal Studies Journal, Vol. 4

Yearbook Editor, General Ledger, Undergraduate Business School, 1987.

Published Cases

Dennis v. Kellogg Co., 697 F.3d 858 (9th Cir. 2012).

California Credit Union League v. City of Anaheim, 95 F.3d 30 (9th Cir. 1996).

Publications

Class Distinction: When is an Independent Contractor Really an Employee?, Los Angeles Daily Journal, May 15, 1997.

Elkus v. Elkus: A Step in the Wrong Direction, 12 Loyola of Los Angeles Entertainment Law Journal 561.

Jim Crow Laws, 5 California Legal Studies Journal 59.

Volunteer Activities

PTA President, Solana Vista Elementary School

2005-07

Solana Beach School District Advisory Forum Committee

2005-07

Principal selection panel, Solana Vista Elementary School

Summer 2005

PTA Treasurer, Solana Beach Elementary PTA

2003-05

School Site Council Member, Solana Vista Elementary School

2003-05

District Strategic Planning Committee Member, Solana Beach School District

2003-04

School Site Strategic Planning Committee Member, Solana Vista Elementary School

2004-07

GATE Advisory Committee, Solana Beach School District

2003-06

Catechist, St. James Church, Solana Beach

2004-05

Of Interest

Jeopardy champion, air dates December 29, 30, 31, 1997