



Daniel E. Gardenswartz

Partner

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Practice Areas

- Employment Law
- Business Litigation
- Construction Law
- Corporate and Business Law

Noteworthy Experience

- Co-tried from start to finish a complex, six-week jury case between two multi-billion dollar companies, resulting in a unanimous verdict in favor of client and complete defense verdict of opposing party's \$16 million cross-claim and assertion of punitive damages. Total judgment in excess of \$4.5 million including substantially all of client's attorneys fees and costs.
- Lead trial counsel on multiple wrongful termination, wage & hour, class action, harassment, whistleblower, breach of contract, real estate, and related claims.
- Successful trials, arbitrations and mediations, including multi-million dollar construction disputes, breach of asset purchase agreements, class action litigation, medical partnerships, collection actions, and various other commercial disputes.
- Counsel to national retailers, franchisees, private and public companies (large and small).
- Daily consultation regarding hiring, firing, termination, accommodation, leaves, and related issues.
- Experience in executive compensation.
- Participation in numerous administrative proceedings.
- Dismissal of class action claims against flooring subcontractor
- Summary Judgment on Disability Discrimination claim against Regional Banking Institution
- Summary Adjudication of Cross-claim resulting in monetary settlement to defendant in breach of contract and tort action
- Resolution of class action claims against national furniture retailer
- Resolution of age discrimination claim brought by DFEH on behalf of employee, against national food product retailer
- Judgment and attorneys fees after 4 day unlawful detainer trial on behalf of commercial landlord
- Victory after trial and appeal of multi-million dollar dispute between adjacent landowners/developers
- Successful and efficient settlement in hundreds of proceedings

Education

- Emory University School of Law, Atlanta, Georgia

- George Washington University's Elliot School of International Affairs, undergraduate degree, *cum laude*

Professional Affiliations and Admissions

- Member of the California State Bar Association
- Member of the San Diego County Bar Association
- Martindale-Hubbell *AV® Rated*
- Selected for inclusion in San Diego *Super Lawyers®* - Employment & Labor, Business Litigation, 2008, 2009, and 2010
- Phi Beta Kappa National Honor Society
- Member of the Order of the Coif
- American Jurisprudence Award for Appellate Litigation
- Associate Editor, *Emory Law Journal*
- Adjunct Law Professor, Cal Western School of Law, Advanced Legal Drafting
- Department Head of Labor and Employment Practice
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Community Affiliations

- Past Chair and current Board member, Anti-Defamation League

Publications and Speaking Engagements

- ["Put Down the Ax, Employers should exercise legal caution when using cost-saving strategies to avoid layoffs," *San Diego Daily Transcript*, May 5, 2010](#)
- ["Are There Skeletons In Your Commission Compensation Closet?,"](#) December 10, 2009
- ["Why Employers May No Longer Have to Force Meal Breaks Upon Employees," *San Diego Daily Transcript*, August 21, 2008](#)
- ["Employee Benefit Minefields: Ensuring against false expectations," *San Diego Daily Transcript*, February 1, 2008](#)
- [2008 Employment Law Update](#)

Meeting your legal needs... Exceeding your expectations.