



## Tyler M. Paetkau

### PARTNER

THE LINK VIRTUAL

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### OVERVIEW

Tyler is a veteran litigator with a deep understanding of California labor and employment law.

A California-based litigator, Tyler has represented employers in labor and employment law matters for over 30 years. As both a trusted advisor and litigator, he has handled a variety of labor and employment challenges, including claims of wrongful termination, discrimination, retaliation, sexual harassment, defamation, wage and hour violations, unpaid commissions, collective and class actions, and unfair labor practice charges. Tyler also represents employers in litigation involving unfair competition, misappropriation of trade secrets, restrictive covenants, and employee mobility issues. He also has extensive experience representing employers in traditional union-management labor relations matters, including union organizing campaigns, strikes, and collective bargaining negotiations. Tyler also specializes in international labor and employment law issues and is active in the ABA's International Labor and Employment Law Committee.

Tyler is a frequent writer and speaker on employment law issues and has served as the contributing editor of several employment law publications, including Bender's California Labor & Employment Bulletin, California Labor and Employment Law Review, and California Business Law Reporter. He has also served as the co-editor of the American Bar Association's Labor & Employment Law Section of the International Labor Law Committee e-newsletter. Tyler is the author of *Hiring and Firing*, published by Entrepreneur Press (2007).

### Industries

Manufacturing  
Technology  
Transportation

### Services

Appellate  
Class Action Defense  
Commercial Litigation  
Employment Class & Collective Actions  
Employment Litigation Defense  
Healthcare Labor & Employment and Immigration  
International  
International Labor & Employment  
International Trade & Supply Chain Labor & Employment  
Litigation & Alternative Dispute Resolution  
Non-Competes & Restrictive Covenants  
OFCCP Compliance  
Pay Equity  
Trade Secrets & Business Information Protection  
Traditional Labor Relations  
Workplace Diversity, Equity, & Inclusion

Tyler is active in the community, providing labor and employment law counseling to many non-profit organizations, including The New Children's Museum, the Chinese Culture Center of San Francisco, and the Peninsula Humane Society & SPCA.

### Experience

- Represented multinational corporation in defeating union organizing campaign.
- *Reis Robotics (China) Co. v. MiaSole, Inc.*, 2017 U.S. Dist. LEXIS 49804, 2017 WL 1196834, Case No.15-cv-06112-HRL (N.D. Cal. 2017): Represented client in successfully moving to compel arbitration of \$13 million claims in a commercial dispute.
- *Lourdes Tiri v. Lucky Chances Inc.*, 226 Cal. App. 4th 231 (2014): Reversed trial court's order denying client's motion to compel arbitration of employee's discrimination claims.
- Achieved complete defense judgment after trial of certified class action alleging misappropriation of employee tips.
- Secured complete defense judgment after trial of misappropriation of trade secrets and unfair competition claims.
- *Frank Gattuso v. Harte-Hanks Shoppers, Inc.*, 42 Cal. 4th 554 (2007): Represented the Employers Group as amicus curiae; Supreme Court of California endorsed "lump sum" method of reimbursing employee expenses.
- *Stephen Simmons v. PCR Technology*, 209 F. Supp. 2d 1029 (C.D. Cal. 2002): Represented employer in race discrimination action; removal to federal court based on diversity of citizenship and amount in controversy upheld.
- *Mirna Olivares v. Hispanic Broadcasting Corporation*, 2001 U.S. Dist. LEXIS 5760, 2001 WL 477171, Case No. CV 00-00354-ER (C.D. Cal. Apr. 26, 2001): Represented employer in defeating former employees' challenge to mandatory arbitration of employment discrimination claims.
- Successfully obtained summary judgment and early dismissal of numerous employment claims against employer-clients, including discrimination, retaliation, and harassment.

## Experience

- Successfully represented individuals and their new employers in binding arbitration proceedings, defeating former employers' claims for trade secret misappropriation, intentional interference, unfair competition, defamation and related claims.

## Recognition

- AV Preeminent Peer Review Rated by Martindale-Hubbell
- SuperLawyers, Northern California, Labor & Employment Law, 2004, 2006-07, 2009-2023

## Education

- J.D., University of Michigan Law School
  - *cum laude*
- B.A., University of Michigan
  - High Honors and High Distinction

## Admissions

- California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. Court of Appeals, Ninth Circuit
- U.S. Supreme Court

## Community Leadership

- Association of Defense Counsel of Northern California and Nevada (ADC), Director, 2021-present

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\*Contact Tyler to set up an in-person consultation by appointment in the Oakland office.



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