



BRANDON SYLVIA

Partner
Employment

Orange County
(714) 338-1806
BSylvia@rutan.com

Brandon Sylvia's practice involves representing and counseling employers in all areas of employment law, including harassment, workplace discrimination, terminations, employment agreements, leaves of absence, wage and hour issues, trade secrets, unfair competition, accommodating disabilities, and employment policies and procedures.

Brandon has represented employers in various civil litigation matters – including appellate proceedings before the California Courts of Appeal, the California Supreme Court, and the Ninth Circuit Court of Appeals – and before state administrative agencies.

He graduated second in his class at Chapman University School of Law, and was selected by the faculty as the Distinguished Graduate of the 2008 Class. While at Chapman, was a member of the Chapman Moot Court Honor Board, and served as the Editor-in-Chief of the Chapman Law Review for 2007-2008.

Representative Matters/Cases

- Defended hospital against retaliation and wrongful termination claims by former employee. Obtained summary judgment in favor of the hospital and obtained judgment for litigation costs against the plaintiff. Obtained a “walk-away” settlement (no money paid to plaintiff) for an employer in individual litigation alleging wrongful constructive termination and leave law violations
- Represented a property management company in a putative wage-and-hour class action lawsuit. Obtained a court order compelling individual arbitration, then obtained a decision from the California Court of Appeal affirming the order, and thereafter convinced the California Supreme Court to deny review of the decision.
- Defended a food manufacturing company against a putative wage-and-hour class action. Obtained client a court order denying class certification, then successfully defended the decision before the California Court of Appeal and California Supreme Court.

Related Services

- [Appellate Practice Group](#)
- [Employment](#)
- [Employment Litigation and Government Agency Proceedings](#)
- [Wage and Hour Litigation](#)
- [COVID-19 Resources](#)

Related Industries

- [Automotive](#)

Bar & Court Admissions

- State Bar of California
- U.S. District Courts for the Central, Eastern, Northern and Southern Districts of California
- U.S. Court of Appeals for the Ninth Circuit

Education

- Chapman University School

- Represented individual against a publically-traded company in a declaratory relief action concerning the enforcement of a non-competition agreement arising from the sale of a business. Negotiated non-enforcement agreement permitting the client to engage in the business of his choice.
- Represented amusement industry employer in putative wage-and-hour lawsuit; obtained a “walk-away” dismissal of the case with no money paid to the plaintiff.
- Represented a metal fabrication plant in a putative wage-and-hour class action lawsuit. Obtained a favorable settlement of the case on an individual basis after filing motion to strike class allegations and motion for summary judgment.
- Defended hospital group against individual claims of former employee. Obtained dismissal of workplace safety and wage claims from California District Court; successfully had dismissal affirmed by the Ninth Circuit Court of Appeals.

- of Law (J.D., 2008), magna cum laude
- San Diego State University (B.A., 2005), Political Science, cum laude

Presentations

- *It Seemed Like a Good Idea At The Time — Employment Law Lessons Learned The Hard Way*, Association of Corporate Counsel Roundtable, August 2014
- *Labor and Employment Mid-Year Legal Update*, Rutan & Tucker Client Series, June 2014
- *California Compliance: Avoiding the Top 10 Most Costly Policy Mistakes Employers Make*, HR.com webinar, June 2014
- *Strategic Prevention Roundtable: Proactive Mitigation for California Employers*, “60 Minutes” Human Resource Executive Group, May 2014
- *California Compliance: Prevention Strategies for Minimizing Wage-and-Hour Exposure*, HR.com webinar, March 2014
- *California Compliance: Avoiding Common (and Costly) Wage & Hour Missteps*, American Payroll Association (North San Diego County Chapter), February 2014
- *Rutan & Tucker Annual Employment Law Update*, Rutan & Tucker Client Series, February 2014
- *Leave Law Compliance for California Employers*, HR.com webinar, December 2013
- *Legal Do’s and Don’ts for Small Businesses*, Orange County Small Business Development Center, October 2013
- *Walking the Tightrope: Pre-Employment Background Checks*, American Payroll Association (North San Diego County Chapter), October 2013
- *Employment Law Update*, Association of Corporate Counsel, Los Angeles and Orange County Chapters, September 2013
- *Employment Law Annual Update*, Rutan & Tucker Client Series, February 2013
- *Social Media Policies & The NLRB: Practical Guidance for Navigating the Latest Litigation Minefield*, HR.com webinar, January 2013
- *Social Media Issues & Litigation Risks in the Modern Workplace*, Human Resources Roundtable, November 2012
- *Top Ten Policy Mistakes That Cost Employers Big Bucks*, Association of Corporate Counsel Roundtable, October 2012
- *California Wage & Hour Compliance: Practical Guidance for Minimizing Employer Liability*, Human Resources Roundtable, August 2012

- *California Wage & Hour Pitfalls: Best Practices for Steering Clear of Legal Trouble*, City of Cypress BRACE Program, May 2012
- *The Brinker Decision—The Good, Bad and Ugly Aspects of the California Supreme Court’s Meal and Rest Break Ruling*, Rutan & Tucker client series, April 2012
- *Privacy in the Workplace: Finding The Balance Between Employer Obligations & Employee Rights*, East Ventura County Employer Advisory Council, March 2012

Publications

- “New COVID-19 Related Orders for Los Angeles City Employers,” *Rutan & Tucker, LLP E-Alert*, April 2020
- “New Strict Liability for Subcontracted Labor – A.B. 1897,” *Orange County Business Journal*, December 2014
- “Lessons From Ghosts Of Christmas Parties Past,” *Orange County Business Journal*, August 2012
- “New Written Requirements for Employers,” *Los Angeles Daily Journal*, March 12, 2012
- “Keeping Company Secrets: Protecting Your Proprietary Information Under California Law,” *HR West Magazine*, December 2010
- “Monitoring Employees’ Electronic Musings: New Ways for Employers and Employees to Get Into the Same Old Trouble,” *The Bottom Line Newsletter*, August 2010
- “Supreme Court: No Sexting at Work,” *Orange County Register*, June 2010
- “Workforce Classification in California,” *Executive Counsel Magazine*, April/May 2010
- “Don’t Trip When Hiring,” *Orange County Register*, April 2010
- “Businesses Beware: New Disability Access ‘Reform’ Law Leaves Door Wide Open to Costly Litigation,” *Orange County Business Journal*, December 2009
- “Does Your Workplace Violate the Law During Holidays,” *Orange County Register*, November 2009
- “How to Properly Classify Your Workforce as Employees or Independent Contractors,” *The Bottom Line Newsletter*, November 2009

Awards & Honors

Southern California Super Lawyers, Rising Stars Edition, 2014-2018

Memberships & Associations

- Board Member, HR.com’s California Advisory Board
- Orange County Bar Association (Labor and Employment Law Section)
- National Human Resources Association