



Patrick J. Cain

Partner | Los Angeles

pcain@sgrlaw.com

Tel: 213-358-7213

Fax: 213-358-7313

Areas of Practice

Labor and Employment Practice | Litigation/Trial Practice | Private Wealth Services | Trust & Estates

Patrick J. Cain focuses his practice on representing and counseling employers in all aspects of the employment relationship, with particular emphasis on employment litigation. Pat also offers experience in a wide range of trusts and estates litigation matters.

Pat has successfully litigated a wide range of disputes, in both state and federal court and at both the trial and appellate level, including claims for gender-based discrimination and harassment, age discrimination, disability discrimination, whistleblower, gender orientation discrimination and harassment, wrongful termination, breach of employment contract, and wage and hour disputes. Pat also deals with trade secret and confidential business information issues. Pat counsels clients on day-to-day employment issues including wage and hour, harassment and discrimination investigation and prevention, personnel policies and procedures, and employment separation.

In the area of trusts and estates litigation, Pat has been involved in a wide range of matters, including will contests, challenges to donative transfers involving undue influence, and challenges to fiduciary conduct. Pat has represented both individual and corporate fiduciaries, as well as individual beneficiaries.

Pat is a former member of the Board of Regents, Loyola Marymount University. Pat also has served as president of the Loyola Marymount University Alumni Association, and as chair of the University's Bellarmine College of Liberal Arts Advisory Board. Pat served for a number of years on the Board of Directors of the Inner City Law Center, a pro bono organization in the Skid Row section of Los Angeles. Pat currently is a former President of the Board of Directors of Alpha Sigma Nu, the honor society of Jesuit colleges and universities.

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Experience

Employment Matters

- **Pregnancy discrimination** – Defended garment manufacturer in pre-litigation claim alleging wrongful termination related to pregnancy discrimination. Matter favorably resolved for less than half of opening demand.
- **Disability discrimination** – Defended garment manufacturer in action alleging wrongful termination and disability discrimination. Matter settled for nuisance value after exchange of written discovery.
- **Pregnancy disability discrimination** – Defended international airport services company in two state court actions alleging wrongful termination based on pregnancy disability discrimination. Both matters successfully resolved through early mediation.
- **Breach of contract** – Defended office supply business in action by former employee alleging breach of employment agreement related to incentive bonus payments. Matter settled for nuisance value at mediation.
- **Disability discrimination** – Defended international airport services company in state court action alleging wrongful termination arising from disability discrimination. Matter successfully resolved through mediation.
- **National origin discrimination** – Defended international airport services company in state court action alleging wrongful termination arising from national origin discrimination. Matter favorably settled in the face of employer's summary judgment motion.
- **Disability discrimination** – Defended international airport services company in state court action alleging various claims related to disability discrimination. Jury verdict in employer's favor on all but one count, and the minor damages on that count were set aside on a motion for judgment notwithstanding the verdict.
- **Age, disability, whistleblower discrimination** – Defended government contract firm in state court action by terminated employee alleging various claims including age and disability discrimination and whistleblower retaliation. Summary judgment in employer's favor.
- **Wrongful termination/whistleblower** – Defended international airport services company accused of terminating employee who reported alleged overloading of commercial aircraft. Matter settled for nominal amount in face of employer's summary judgment motion.
- **Racial discrimination** – Defended international airport services company in state court action alleging racial discrimination and various common law tort claims in connection with employment termination. Matter settled favorably after summary judgment motion filed.

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- **Wrongful termination/retaliation** – Successfully defended government contractor against claim that employee had been terminated in retaliation for reporting gender-based harassment by co-worker.
- **Gender discrimination/harassment** – Defended tool/equipment distributor in state court action that was removed to federal court. Summary judgment obtained in trial court and affirmed by Ninth Circuit.
- **Gender and pregnancy discrimination/harassment** – Defended magazine publisher in state court action that was removed to federal court. Lawsuit settled for nominal amount after plaintiff's deposition.
- **Wrongful termination/whistleblower** – Defended government contractor in state court action that was removed to federal court. Trial court granted summary judgment for employer, and matter was settled for a nominal amount while on appeal.
- **Age discrimination** – Defended manufacturer/distributor of MRI equipment in state court age discrimination action. Summary judgment obtained in trial court and affirmed on appeal.
- **Gender discrimination** – Defended government contractor in state court action. Matter favorably settled based on costs of continued defense, with employer's summary judgment motion pending.
- **Disability discrimination** – Defended transportation company in state court action alleging failure to hire due to disability (alcoholism). Matter favorably settled for costs of continued defense with employer's summary judgment motion pending.
- **Organized Labor** – Obtained summary judgment for specialty foods company in federal lawsuit brought by union alleging breach of strike settlement agreement. Matter then moved to arbitration, and union settled for nominal amount after less than one day of arbitration.
- **Organized Labor** – Successfully represented major manufacturer in labor arbitration challenging employee's termination for job abandonment. Arbitrator upheld employee's termination.
- **Wage & Hour** – Successfully defended food service company in wage & hour class action. Matter settled for nominal amount after initial exchange of discovery and before certification motion filed.
- **Wage & Hour** – Defended garment manufacturer in wage & hour class action based on rounding time clock punches. Matter settled favorably after mediation.
- **Unfair Competition** – Represented clinical lab in action by competitor to enjoin client's use of competitor's former employees. Matter settled after former employer's motion for preliminary injunction was defeated.
- **Unfair Competition** – Obtained preliminary injunction barring former employee from competing with former employer (automotive sales-related company) in violation of written employment agreement/stock purchase agreement. Former employee eventually stipulated to the relief sought.

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Trust & Estate Litigation

- Defended successor trustee against claims by family member beneficiaries alleging mismanagement, self-dealing, and breach of fiduciary duty. Matter successfully resolved by a complicated settlement involving 1031 real property exchanges.
- Successfully defended sister against claims of financial elder abuse by brother, relating to sister's handling of their father's financial affairs while living with sister. Matter resolved favorably after mediation.
- Challenge by one group of family members to alleged third amendment to the trust of elderly matriarch, successfully resolved through mediation.
- Successful defense through a multi-day bench trial against contest of the will of a former actress, brought by one of her doctors.
- Successful defense after bench trial against petition by a sister seeking transfer of family home occupied by another sister who was also successor trustee of their mother's trust.
- Represented two sons in challenge to the handling of trust assets after their father's death. Matter successfully resolved through mediation, with family relationships remaining intact.

General Commercial Litigation

- Represented seller of mobile crane business in arbitration over buyer's refusal to pay sums due under the purchase and sale agreement. Buyer stipulated to requested relief following depositions of buyer's personnel.
- Represented owner of agricultural property in action by holdover tenant claiming right to continued occupancy. Matter settled on very favorable terms after mediation.
- Defended office furniture retailer in action by former employee claiming underpayment of incentive bonuses called for by employment agreement. Matter settled for nuisance value through mediation.
- Defended family-owned company and two of its officers in action by sibling and former officer alleging breach of a purported employment agreement, corporate mismanagement and other claims. Matter settled on very favorable terms after mediation, with insurer paying half of the settlement amount (less than likely costs of continued litigation) as well as attorney's fees incurred by corporation.
- Successfully represented plaintiff developer in recovering escrow deposit with judgment for plaintiff after bench trial, followed by a six-figure attorney's fees and costs award to plaintiff.
- Represented two doctors as claimants in multi-day arbitration against third LLC member, resulting in award in favor of claimants including an award of \$150,000 in attorney's fees and costs as prevailing parties.

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- Successfully represented federal agency in action against former officers and directors of failed savings and loan association. Matter settled on eve of trial for what was then the highest recovery for that agency in director and officer liability litigation.
- Represented federal agency as receiver for failed bank in action on fidelity bond, resulting in \$2 million recovery. Matter decided by binding arbitration involving proceedings in Los Angeles and London.
- Obtained summary judgment for defendant manufacturer/distributor of MRI equipment. Judgment was affirmed on appeal and plaintiff's petition for review in state Supreme Court was denied.

Admissions

California

Supreme Court of the United States of America

U.S. Court of Appeals 9th Circuit

Memberships

American Bar Association, Member in sections on labor/employment, litigation and trusts & estates

California Bar Association, Member in sections on labor/employment, litigation and trusts & estates

Los Angeles County Bar Association, Member in sections: labor/employment, litigation and trusts & estates

Association of Business Trial Lawyers