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Elise Vasquez' practice focuses on employment and intellectual property matters. Elise represents a variety of companies in claims involving discrimination, harassment, retaliation, wrongful termination, overtime and severance issues. She also represents clients in employment-related administrative hearings, and trials, before the California Labor Commissioner defending wage/hour claims.

Elise regularly tries cases before the California Labor Commissioner. She has tried to judgment in excess of 15 matters.

Prior to joining the firm, Elise clerked at the Equal Employment Opportunity Commission (EEOC) in San Francisco where she reviewed and evaluated claims against government agencies for discrimination under Title VII of the 1964 Civil Rights Act, the American's with Disabilities Act and the Age Discrimination in Employment Act.

She has authored articles on employment law for the Northern California Human Resources Association and the Human Resources Executive. Elise also gives regular in-house HR presentations and conducts on-site training to promote respectful workplace practices.

With respect to intellectual property litigation, Elise represents clients in trademark prosecution and copyright disputes; trademark and copyright infringement; and unfair competition claims. Elise tried a trademark and cybersquatting lawsuit to jury verdict in the U.S. District Court, Central District of California. She has co-authored articles on trademark and copyright law for the *Intellectual Property & Technology Law Journal* and the *San Francisco Daily Journal*.

Elise is a native of London, England and has lived in California for more than two decades. She has an undergraduate degree from the University of California at Berkeley, where she graduated *summa cum laude* in English Literature in 1992. Ms. Vasquez received her J.D. from Golden Gate University, School of Law in 1998 and was the recipient of a CALI award for excellence in the study of Law and Literature. Ms. Vasquez joined the firm in 1999 and is licensed to practice in all California state and federal courts.

## Practice Areas

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- Business And Commercial Litigation
- Intellectual Property
- Employment
- Employment Litigation and Dispute Resolution
- Contract/UCC
- Unfair Competition
- Copyright, Domain Name and Trademark Litigation
- Sexual Harassment Training

## Education

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- University of California, Berkeley, 1992 B.A.  
summa cum laude
- Golden Gate University School of Law, 1998 J.D.

## Court Admissions

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- California
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California
- USDC: Southern District of California

## Memberships & Associations

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- State Bar of California

## Representative Experience

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**Practice Area:** Employment

**Key Issues:** Employment; Overtime

**Venue:** Santa Clara County Superior Court

**Client Type:** Defendant Individual

After a comprehensive administrative trial before the Labor Commissioner our client received a favorable ruling regarding home hospice care and the obligation to pay overtime and provide meal breaks.

**Result:**

Judgment favorable to client.

**Practice Area:** Employment

**Key Issues:** Employment; Overtime

**Venue:** Pre-litigation settlement

**Client Type:** Dog Day Care Center

Overtime claim in which the employee resigned her position and agreed to a comprehensive separation and release agreement.

**Result:**

Successfully settled.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Cybersquatting; Trademark Infringement

**Venue:** USDC: Northern District of California

**Client Type:** Defendant Online Gaming Company

We successfully settled a case involving claims of cybersquatting, trademark infringement and conversion of a popular domain name used in the on-line gaming arena.

**Result:**

Settled. Plaintiff failed to recapture all its costs of the litigation.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Copyright Infringement; Trademark Infringement

**Venue:** USDC: Northern District of California

**Client Type:** Defendant Software Manufacturer

This trademark and copyright infringement lawsuit involved the alleged infringement of plaintiff's intellectual property in the metatag language of defendant's Internet website.

**Result:**

The case was resolved shortly before trial for a small portion of plaintiff's attorneys fees when we successfully moved for summary judgment arguing that plaintiff could not prove any actual damages under the initial interest diversion theory of trademark law or trespass to chattels in cyberspace, and that plaintiff was not entitled to statutory damages under copyright law.

**Practice Area:** Employment

**Key Issues:** Employment; Harassment; Discrimination with Retaliation

**Venue:** Santa Clara County Superior Court

**Client Type:** Defendant Restaurant

We represent a local restaurant for all its employment matters and recently settled a highly contentious religious discrimination case to the satisfaction of the parties.

**Result:**

Settled

**Practice Area:** Employment

**Venue:** Labor Commission

**Client Type:** Indian Restaurant

Administrative trial involving tip-sharing and unpaid overtime where the judgment was favorable for employer.

**Result:**

Judgment favorable to the employer.

**Practice Area:** Employment

**Key Issues:** Class Action

**Venue:** USDC: Northern District of CA

**Client Type:** Gas Stations and convenience stores

We currently represent an employer in a Class Action suit in which the employees seek unpaid wages, unpaid overtime, missed meal and break periods and penalties, pursuant to the Federal Labor Standards Act.

**Practice Area:** Employment

**Key Issues:** Labor Commission; Unpaid Wages

**Venue:** Labor Board

**Client Type:** WiFi Communications Co.

We represented a communications company in six (6) administrative trials before the Labor Board for various unpaid wage and misclassification claims.

**Result:**

Defended three claims and the remaining three judgments were favorable for our client.

**Practice Area:** Employment

**Key Issues:** Labor Commission; Unpaid Wages

**Venue:** Labor Board

**Client Type:** Indian Restaurant

Representation of employer for two (2) administrative trials involving employees' claims for unpaid wages, unpaid overtime, missed meal and break periods.

**Result:**

Judgment favorable to the employer.

**Practice Area:** Employment

**Key Issues:** Labor Commission; Wage Issues

**Venue:** Labor Board

**Client Type:** Defendant Restaurant

We represented a local restaurant for its employment matters and including an administrative trial before the Labor Commission for claims for unpaid overtime and related wage issues.

**Result:**

Settlement

**Practice Area:** Employment

**Key Issues:** Labor Commission; Unpaid Wages

**Venue:** Labor Board

**Client Type:** Sales

Employees' unpaid wage claim dismissed at Labor Board Conference.

**Practice Area:** Employment

**Key Issues:** Employment; Overtime

**Venue:** Santa Clara County Superior Court

**Client Type:** Trailer Park

Wrongful Termination and Unpaid Wage Claim settled favorably for employer.

**Practice Area:** Employment

**Key Issues:** Employment; wrongful termination; sexual harassment

**Venue:** New York

**Client Type:** IT Outsourcing Co.

Successfully defended a wrongful termination in retaliation; sexual harassment claim.

**Practice Area:** Employment

**Key Issues:** Employment; overtime

**Venue:** Santa Clara County Superior Court

**Client Type:** Restaurant

Wrongful Termination and Unpaid Wage Claim settled favorably for employer.

**Practice Area:** Employment

**Key Issues:** Employment; age discrimination

**Venue:** Santa Clara County Superior Court

**Client Type:** IT Company

Age Discrimination Claim.

**Practice Area:** Employment

**Key Issues:** Employment; wrongful termination; sexual harassment

**Venue:** Monterey County Superior Court

**Client Type:** Radio Station

Sexual harassment and wrongful termination based on retaliation for local radio station.

**Practice Area:** Employment

**Key Issues:** Sexual Harassment; Defamation; Wrongful Conduct

**Venue:** Santa Clara County Superior Court

**Client Type:** London based IT Company

Claims for sexual harassment and defamation where the employee sought in excess of \$5 million in damages against an employer where the CEO was accused of the wrongful conduct.

**Result:**

Pending the court's hearing on our motion for summary judgment, we successfully negotiated settlement.

**Practice Area:** Employment

**Key Issues:** Employment; Harassment; Discrimination with Retaliation

**Venue:** San Benito County Superior Court, City of Hollister

**Client Type:** Defendant Restaurant

Sexual harassment and wrongful termination based on retaliation for a local franchise restaurant and avoided significant attorneys fees and costs.

**Result:**

Successfully settled.

**Practice Area:** Employment

**Key Issues:** Employment; Harassment; Discrimination with Retaliation

**Venue:** San Benito County Superior Court, City of Hollister

**Client Type:** Defendant Restaurant

Sexual harassment and wrongful termination based on retaliation for a local franchise restaurant and avoided significant attorneys fees and costs.

**Result:**

Successfully settled.

**Practice Area:** Employment, Entertainment

**Key Issues:** Employment; Harassment; Discrimination with Retaliation

**Venue:** Counseling

**Client Type:** Counsel Movie Industry

We represent companies in the entertainment business and counsel them on their employment issues regarding employer policies and procedures, wage hour claims and terminations.

**Practice Area:** Employment

**Key Issues:** Wrongful Termination; National Labor Relations Board

**Venue:** NLRB

**Client Type:** Defendant Non-profit Organization

We are currently representing a non-profit organization in a wrongful termination claim on the grounds of retaliation before the National Labor Relations Board.

**Result:**

Notice of case closure from the NLRB.

**Practice Area:** Employment

**Key Issues:** Employment Counsel; Employee Handbook; Termination; Unpaid Wages; Wrongful Termination

**Venue:** Counseling

**Client Type:** Counsel Non-profit Medical Organizations

We currently provide employment counseling for non-profit organizations in the medical field including drafting their Employee Handbooks, conducting employee classification audits and advising on terminations.

**Practice Area:** Employment

**Key Issues:** Employment Counsel; Termination; Unpaid Wages; Wrongful Termination

**Venue:** Counseling

**Client Type:** Outsourcing Hardware Engineering

We currently counsel several Hi-Tech companies on all employment matters including lay-offs, unpaid wages, overtime and missed meal claims, claims for wrongful termination, discrimination and harassment.

**Practice Area:** Unfair Competition/Business Practices

**Key Issues:** 17200; Unfair Advertising

**Venue:** Contra Costa County Superior Court

**Client Type:** Defendant Pregnancy Test Manufacturer

We represented a major manufacturer and a number of its retailers in a Business & Professions Code section 17200/Unfair Advertising law suit based on the accuracy of pregnancy testing kits.

**Result:**

The case was resolved after defendants expert witness testified for more than six days regarding the accuracy and science involved in defendants' products.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Trademark Infringement; Trade Dress

**Venue:** USDC: Northern District of California, San Francisco Division

**Client Type:** Defendant

A complaint for trademark and trade dress infringement was filed in the District Court.

**Result:**

Before we were forced to answer, we successfully negotiated a non-monetary settlement which required client to phase out old labels and replace them with new labels which the client already had in the development stage.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Trademark Infringement

**Venue:** USDC: Central District of California

**Client Type:** Defendant Manufacturer

In a trademark infringement and cybersquatting lawsuit which involved competing manufacturers of condoms, and after extensive settlement negotiations, the lawsuit was tried to a jury verdict in the United States District Court, Central District of California.

**Result:**

While the jury found that the defendant violated the Lanham Act by registering the plaintiff's trademarks as Internet domain names, the jury found that our client had not caused plaintiff any recoverable damage and went onto award a minimal amount of statutory damages under the Anti-Cybersquatting Consumer Protection Act.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Copyright Infringement; Trademark Infringement

**Venue:** USDC: Northern District of California- San Jose Division

**Client Type:** Defendant Children's Educational Facility

This copyright and trademark dispute between competing after-school educational facilities involved the overall look and feel of a series of hundreds of workbooks designed to teach grade school children mathematics.

**Result:**

The case was recently resolved for a small fraction of plaintiff's attorney's fees when we successfully moved for summary judgment on plaintiff's claim for statutory damages under copyright law.

**Practice Area:** Intellectual Property

**Key Issues:** Infringement

**Venue:** USDC: Northern District of California- San Francisco Division

**Client Type:** Plaintiff

An action for infringement of plaintiff's alleged trade dress rights in a line of specialty furniture.

**Result:**

We negotiated an advantageous non-monetary settlement which required defendant to change only the name of its accused line of furniture.

## Publications

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- Author, Working Overtime, *Smart Business*, 2/1/2012
- Author, *Govori v. Goat Fifty*: Court's decision sides with wanna be moms , *Employment Case Alert*, 4/29/2011
- Author, Employment Newsletter, *Employment Law & Issues*, 2/11/2011
- Author, Employment Newsletter, *Employment Law & Issues*, 11/05/10
- Author, The Top Five Tips to Structuring and Implementing a Reduction in Force, *21st Century Law*, 5/18/09
- Author, Employment: New Law Provides Some Relief to Employers Facing Frivolous Claims, *The San Francisco Daily Journal*, November 26, 2004
- Author, Business Law Report - Issue 2, November 2, 2004
- Author, Supreme Court Clarifies the Meaning of "Origin of Goods" in Trademark Law, *Intellectual Property & Technology Law Journal*, November 1, 2003
- Author, Court Examines Boundary Between Expression, Idea, *Daily Journal*, July 24, 2003

## News

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- Law360 Survey of Employment Practices, *Law360*, December 4, 2009