



Cassandra M. Ferrannini Partner

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

916.520.5387 | Direct
cferrannini@downeybrand.com

Practice Areas

Appellate & Writ Practice | Class Action Defense | Complex Business Litigation | Employment Counseling | Employment Litigation | Intellectual Property Litigation | Privacy & Data Integrity | Regulatory Law & Business Permitting

Cassandra Ferrannini draws on her broad experience to assist clients in finding their best strategic position to prevent, defend, and resolve employment disputes.

In her counseling practice, she guides public and private employers through the complicated and sometimes contradictory maze of federal and state regulations. In doing so, she frequently encounters and resolves issues ranging from employee terminations to designing, implementing or auditing comprehensive, company-wide, employment policies.

Cass defends public entities, staffing companies, restaurant owners and internet start-ups against a variety of employment claims, including class actions, wage and hour, sexual harassment, discrimination, wrongful termination, ERISA, and fraud—all with great success. Clients value Cass as a “creative thinker and problem solver” who finds outside-the-box strategies. As employees and information become increasingly mobile, she safeguards her clients’ confidential information by bringing and defending numerous actions involving misappropriation of trade secrets and unfair competition, achieving effective resolution.

Experience

Employment Litigation

- Won decertification of overtime, meal break and rest break classes on behalf of a trucking firm, eliminating hundreds of thousands of dollars in potential exposure.
- Eliminated PAGA claims and successfully opposed class certification for a multi-state construction company.
- Successfully brought a multi-million dollar trade secret claim on behalf of a national privately-owned company resulting in an injunction requiring the return of hundreds of thousands of misappropriated electronic documents.
- Prevented former employees from raiding repossession management company’s workforce, customer list, and financial information by obtaining a preliminary injunction prohibiting further solicitation of employees

and use of trade secrets.

- Effectively prosecuted stalking and harassment claims against a union on behalf of the general manager of a heavy-equipment manufacturer.
- Defended wildlife biologists against trade secret misappropriation claim. Obtained favorable monetary settlement after cross-complaining for gender discrimination.
- Prevailed on summary judgment against employees who brought whistleblower claims against a county and obtained a full award of defense costs and attorneys' fees.
- Defended private trucking firms against class action overtime and meal and rest period claims, including trial of the DOT exemption to the California Wage Orders.
- Successfully arbitrated a wrongful termination claim based on an employment contract for owners of a car-repair shop. Obtained award of defense costs.

Employment Counseling

- Provided strategic advice to bank regarding broker's departure to join competitor. Negotiated mutually acceptable resolution without litigation.
- Prepared California-compliant handbook for national pharmacy service acquiring California workforce, including comprehensive review of wage and hour compliance, harassment prevention, new leave of absence and confidentiality agreements and implementation of procedures to assure conformity with California law.
- Audited wage and hour practices related to insurance claims adjustors, targeting key areas of potential exposure, suggesting strategies for communicating exempt duties in job descriptions, and devising procedures to ensure proper handling of those adjustors moving to non-exempt status.
- Analyzed and advised about labor and employment risks and liabilities raised by the acquisition of a California company by a German manufacturer.
- Devised successful plan to facilitate the peaceful departure of HR Director who facilitated the theft of unearned PTO for his co-employee paramour.
- Advised healthcare company regarding the potential issues raised by the employment application of a mentally disabled pediatrician and created a legally compliant strategy for handling the employment.
- Assisted company in reconfiguring the compensation of its auto mechanics in response to changes in California law affecting workers paid by piece rate.

General Litigation

- Obtained defense verdict at trial in favor of a municipal utility district on dangerous condition and contract claims based on alleged property damage to a geothermal plant.
- Defended homeowner against claims brought against him by a homeowner's association. Obtained monetary settlement in favor of homeowner after bringing cross-complaint against association.
- Defended heavy-equipment merchant in a construction dispute with a general contractor. Succeeded in

obtaining dismissal of a bank claiming a security interest in the construction contract and an assignment of the proceeds. Obtained award of defense costs and attorneys' fees, which was affirmed on appeal.

- Represented a city in a three-week arbitration for claims including breach of a golf-course lease. Successfully defended against Cross-claims exceeding \$5,000,000, ultimately prevailing on entity's breach of lease claim.
- Successfully assisted bank in foreclosing against manufacturing plant after loan default.

Appellate Work

- *Amedee Geothermal Venture I v. Lassen Municipal Utility District* (9th Cir. 2015) 2015 WL 9298840
- *Amicus Brief in RiverIsland Cold Storage, Inc. v. Fresno-Madera Production Credit Assn'* (2013) 55 Cal.4th 1169.
- *Price v. Operating Engineers Local No. 3* (2011) 195 Cal.App.4th 962
- *Golden West Nuts, Inc. v. Willadsen Orchards, Inc.* (C-64123, Third App. Dist. Unpub.)
- *Eicher v. Advanced Business Integrators, Inc.* (2007) 151 Cal.App.4th 1363.
- *Dell Merk, Inc. v. Franzia* (2005) 132 Cal.App.4th 443.
- *City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613
- *Buckley v. Butte Community College District* (2000) (C-030308, Third App. Dist. Unpub)

Professional & Community Service

- KVIE, Board Member, 2018
- California Bar Foundation, Board Member, 2018
- The Rotary Club of Sacramento Breakfast, President, 2017-2018
- Sacramento County Bar Diversity Hiring and Retention Committee, 2013-present
- American Bar Association, Labor & Employment Section, 2004-present
- California Bar Association, Litigation Section, 2000-present
- Sacramento County Bar Association, Labor & Employment Section, 2000-present

Education

- J.D., University of the Pacific, McGeorge School of Law, Order of the Coif, 1999
- B.A., *magna cum laude*, Dominican College of San Rafael, 1989

Honors & Rankings

- *Sacramento Magazine*, Top Lawyer, Appellate, Employment & Labor, Employee Benefits, 2015-2019

Speaking Engagements / Events

- *New Year, New Challenges: 2020 Annual Employment Law Briefing*, Downey Brand Employment Seminar, January 2020
- *New Year, New Challenges: 2019 Annual Employment Law Briefing*, Downey Brand Employment Law Seminar, January 2019
- *2018 ACWA Legal Briefing & CLE Workshop Presented by Downey Brand LLP*, ACWA 2018 Fall Conference & Exhibition, November 27, 2018
- *New Year, New Challenges: 2018 Annual Employment Law Briefing*, Downey Brand Employment Law Seminar, January 2018
- *Mental Health & The Workplace*, Co-presenter, CalPERS Employment Law Presentation, July 10, 2017
- *New Year, New Challenges: 2017 Annual Employment Law Briefing*, Downey Brand Employment Law Seminar, February 2017
- *California Business Owners Subject to New Employment Regulations*, Co-presenter, Metro Chamber 2016 Seminar Series, May 25, 2016
- *2016 Employment Law Briefing*, Co-presenter, Metro Chamber 2016 Seminar Series, March 30, 2016
- *A New Year Means New Challenges: 2016 Annual Employment Law Briefing*, Co-presenter, Downey Brand Employment Law Seminar, February 24, 2016
- *Mid-Year Employer Update: Mental Health and the Workplace*, Co-presenter, Downey Brand Employment Law Seminar, June 18, 2015
- *Are you ready for 2015? Many New Laws Will Affect California Employers*, Co-presenter, Downey Brand Employment Law Seminar, January 27, 2015
- *Are You Ready for 2014? Many New Laws Will Affect California Employers*, Seminar, January 30, 2014
- *ACWA, E-discovery: A Trap for the Unwary*, Presenter, January 2012
- *Sacramento Law Library, What's on Calendar*, Presenter, January 2012
- *Downey Brand LLP, Employment Law Update: A Review of Changes for 2011*, Presenter, 2011
- *CEB, Civil Litigation Update*, Presenter, 2011-2013
- *University of California, Davis, Social Media as Evidence: New Legal and Ethical Frontiers*, Panelist, February 3, 2010
- *Downey Brand LLP, Employment Law Update*, Presenter, 2006-2013

Publications

- *Dynamex Ruling and the Autonomy of California Workers*, Sacramento Business Journal, September 7, 2018
- *Urgency Legislation Helps Curb Frivolous PAGA Lawsuits*, California Grocer, Issue 6, November 2015

- *Understanding California's New Paid Sick Leave Law*, California Grocer, Issue 1, February 2015
- *Follow Federal Guidelines When Asking Job Applicants About Drug and Alcohol Use*, Commercial Lease Law Insider, January 2010

Legal Alerts

- *California Supreme Court Declines to Apply the Federal De Minimis Doctrine to Post-Shift Activities*, July 31, 2018
- *U.S. Supreme Court Declares Agency Fees Unconstitutional, Leaving Unions and Others in the Lurch*, June 28, 2018
- *SCOTUS Upholds Class Action Waivers in Arbitration Agreements*, June 28, 2018
- *California Supreme Court Clarifies Overtime Calculation Involving Flat Sum Bonuses*, June 28, 2018
- *California Supreme Court Narrows Independent Contractor Classification*, May 3, 2018
- *California Supreme Court Clarifies Day of Rest Rules*, May 10, 2017
- *The Control, Regulate and Tax Adult Use of Marijuana Act: What It Means For California Employers*, November 9, 2016
- *California Supreme Court Addresses Suitable Seating*, April 5, 2016
- *ICE Traffic Stops - Now What?*, February 25, 2016
- *California Hammers Final Nail into Piece Rate Coffin at the Same Time it Creates an Affirmative Defense*, October 20, 2015
- *Governor Signs Urgency Legislation to Help Curb Frivolous PAGA Suits*, October 6, 2015
- *Fair Employment and Housing Council Amends California Family Rights Act Regulations*, August 25, 2015
- *California Legislature Amends the Healthy Workplaces, Healthy Families Act of 2014*, August 25, 2015
- *Protections under the Fair Employment and Housing Act Extended to Unpaid Interns*, October 8, 2014
- *California Legislature Clarifies and Expands Prevailing Wage Laws*, October 8, 2014
- *California Becomes Second State to Require Paid Sick Leave*, October 8, 2014
- *Minimum Wage Citations Issued by the Labor Commissioner Now Include any Applicable "Waiting Time" Penalties*, October 8, 2014
- *California Imposes Additional Requirements to Address Sexual Harassment of Agricultural Field Workers*, October 8, 2014
- *Employers Now Share Liability with Staffing Companies and Labor Contractors for Wage Violations*, October 8, 2014
- *Required Sexual Harassment Training for Supervisory Employees Must Now Include Training on the Prevention of Abusive Conduct*, October 8, 2014
- *California Minimum Wage Increases to \$9*, June 16, 2014

- *California Supreme Court Decision Expected this Summer Regarding Enforcement of Class-Action Waivers in Arbitration Agreements*, June 16, 2014
- *California Expands Paid Family Leave*, June 16, 2014
- *Supreme Court Clarifies Definition of "Supervisor" for Title VII Harassment Claims*, July 2013
- *Supreme Court Raises the Bar for Employee Retaliation Claims*, July 2013
- *Supreme Court Further Affirms the Right to Enforce Arbitration Agreements, Including Class Action Waivers*, July 2013
- *Businesses Employing Workers Supplied By Farm Labor Contractors or Professional Employer Organizations May Create an Unintended Joint Employer Relationship, Resulting in Unforeseen Liability*, May 2013
- *Employers Must Use New Form I-9 Beginning May 7, 2013*, May 2013
- *Employers Beware: Retaliation Suits May Linger Even After Harassment Claim Dismissed*, May 2013
- *An Employer's Obligation to Accommodate an Employee Disabled by Pregnancy Is Not Limited by California's Pregnancy Disability Leave Law*, March 2013
- *Courts Grapple with California Law Requiring Employers to Provide Employees with "Suitable Seating"*, March 2013
- *New FMLA Regulations Require New Poster and Expand Military Leave Entitlements*, March 2013
- *The Brinker Decision...at Long Last*, April 2012
- *Court Enjoins NLRB Posting Requirement*, April 2012
- *NLRB Delays Effective Date of Posting Requirements*, October 2011
- *The Supreme Court Finally Sets the Long Awaited Brinker Decision For Oral Argument*, October 2011
- *Legal Updates on Independent Contractor Classification*, October 2011
- *New Law Restricts Employer Use of Consumer Credit Reports for Background Checks*, October 2011
- *Wal-Mart Stores, Inc. v. Dukes — United States Supreme Court Denies Class Certification to One of the Most Expansive Class Actions in History*, July 2011
- *California Supreme Court Holds That Out-of-State Employees Working in California Must Be Paid California Overtime*, July 2011
- *You Ask — We Answer*, July 2010
- *Keeping Arbitration Where it Belongs - In Arbitration: Big Win for Employers in Rent-a-Center, West, Inc. v. Jackson*, July 2010
- *How Private is Your Employee's "Sexting?": The Supreme Court Weighs In*, July 2010
- *July 1st: May be Able to Deter ADA Plaintiff's Lawsuits With New ADA-Focused Inspections*, March 5, 2010
- *California Law Permits Employers to Have a Waiting Period for Vacation/PTO Accrual*, October 2009

- *The Double-Edged Sword of Technology: Text Messages and Social Online Networks Offer A New Source of Evidence for Plaintiffs in Discrimination and Harassment Lawsuits*, October 2009
- *Workplace Accidents Can and Do Happen: Does Your Business Have a Cal OSHA Injury Illness Prevention Plan (IIPP)?*, October 2009
- *Employers Must Use Revised Form I-9 for Employment Eligibility Verification for Employees Hired On or After April 3, 2009*, June 2009