



Ben Gipson

Partner

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Ben Gipson partners with clients through all stages of their development and serves as a trusted advisor for their employment needs, with a special focus on the technology, media, sports, and entertainment sectors. Before issues arise, Ben conducts trainings and audits on all aspects of employment law and assists his clients in revising handbooks and other policies and practices to prevent further litigation. He also helps to investigate alleged violations of labor and employment laws, whistleblower laws, and other complaints raised by employees. Ben's overriding goal is to help clients effectively manage their workforce and maintain their focus on successfully operating the business. In addition to avoiding litigation, Ben has achieved early summary judgment and other motion practice victories at the trial and appellate levels, as well as low settlements in cases with challenging facts.

• Employment

Ben also defends employers in wage and hour class actions, WARN class actions, sexual harassment, wrongful termination, discrimination, breach of employment contract, unlawful business practices, state and federal whistleblowing, traditional labor disputes and other employment-related cases before the Department of Fair Employment and Housing, the Equal Opportunity Employment Commission, the California Labor Commissioner, the US Department of Labor, the Office of Federal Contract Compliance Program, the Occupational Safety and Health Administration and state and federal courts.

Ben has focused on conducting sensitive, high-stakes investigations to address clients' most sensitive and urgent workplace matters. Working with a cross-practice team including former prosecutors and other employment attorneys, Ben quickly investigates allegations of misconduct, assesses and advises clients on internal and external statements, working collaboratively to craft remedial actions where appropriate, and develops practices and procedures to address concerns on a going forward basis. Ben anticipates the challenges clients face and possesses extensive experience developing and executing upon risk-mitigating strategies for organizations at all stages in their development, PR advisors, and internal and external stakeholders.

- Representing a major US professional soccer club in an internal investigation, culture and compliance review, and defense of the termination of a former head coach for sexual harassment and other misconduct in connection with parallel investigations by the US

Soccer Federation, the Players Association, and the National Women's Soccer League

- Assisting clients with implementing policies and practices in response to governmental orders, including advising clients with respect to ceasing and returning to work, and managing risk during those transitions
- Avoiding litigation through client-centered counselling regarding policies and practices of multi-national organizations
- Mentoring growing organizations as they add funding and increase their employee base
- Representing the Special Committee of the Board of Directors for an international video and technology company in connection with a series of allegations relating to sexual harassment, toxic working environment, and poor compliance practices, in coordination with company and board counsel
- Leading an investigation into the principal of a major private equity fund, including allegations of misconduct and cultural concerns arising from an alleged "old boys" network
- Successfully defeating class certification in complex meal and rest period and expense reimbursement case
- Defeating case at pleading stage and successfully defended same in California Court of Appeals in case of first impression
- Bringing innovative motions to preclude class certification prior to motion practice and extensive state discovery by plaintiffs
- Minimizing potential liability associated with reductions in force and classification of employees
- Leading cross-border investigation regarding allegations of bullying and misconduct against Chief Executive Officer of growing organization on the cusp of going public
- Coordinating with Madrid office on investigation of bullying and financial impropriety by Spanish officers of a major US media organization
- Assisting wide range of pro-bono clients in reaching their goal of exposing more youth to the outdoors through wilderness mentoring experiences and other programs

CREDENTIALS

Admissions

- California
- District of Columbia
- Washington

Clerk Experience

- The Honorable Emily Clark Hewitt, US Court of Federal Claims

Recognitions

- "2019-2020 North American Pro-Bono Awards," Recipient. DLA Piper, Nov. 2020
- Named a Super Lawyers Rising Star in the area of employment law

Education

- J.D., Georgetown University Law Center 2002
cum laude
Staff member, *Tax Lawyer*
Publication director, *State and Local Tax Lawyer*
- B.A., Government and History, Claremont McKenna College 1997
cum laude

Courts

- United States Court of Appeals for the Ninth Circuit

- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Armed Forces
- United States Court of Federal Claims
- United States District Court for the Central District of California
- United States District Court for the Northern District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California
- United States District Court for the Western District of Washington

Memberships

- California Bar Association
- District of Columbia Bar Association
- Washington Bar Association

Civic and Charitable

- Northwest African American Museum, HR Committee, Member, December 2018 – Present
- Big City Mountaineers, Board President, October 2015 – November 2018
– Board Member, February 2011 – 2019
- Longtime YMCA youth basketball coach

INSIGHTS

Ben is a contributing editor of *The Developing Labor Law*. He is also an editor of *The Labor Dish*.

- Successor Liability for Employment-Related Claims: A Pain In The Assets, *The Labor Dish*, January 9, 2014
- Innovate or Die – Managing Millennials in the Workplace, *The Labor Dish*, November 25, 2013

Publications

Infectious diseases in the workplace: What employers should know about monkeypox and COVID-19

15 August 2022

Employers may consider leveraging lessons learned from the COVID-19 pandemic to keep workers safe.

Cal/OSHA's third readoption brings further changes to its COVID-19 Emergency Temporary Standard

26 April 2022

These changes hint at the beginning of the end for the government's pandemic oversight.

California court strikes down board diversity law as unconstitutional

12 April 2022

Key details of the ruling.

New COVID-19 supplemental paid sick leave signed into California law

11 February 2022

The new requirement will take effect on February 19, 2022 and applies retroactively to January 1, 2022.

US Supreme Court stays OSHA vaccine-or-test rule, halting enforcement

14 January 2022

Employers with 100 or more employees covered by the COVID-19 Vaccination and Testing Emergency Temporary Standard are no longer required to comply with its terms.

Stay of OSHA vaccine-or-test rule dissolved; enforcement to begin on January 10

20 December 2021

Background and key developments.

OSHA's vaccine-or-test emergency rule approved

5 November 2021

Key provisions of the emergency temporary standard and actions for covered employers to consider.

President Biden announces new vaccination requirements – what private employers and federal contractors need to know

14 September 2021

Employers already struggling with a puzzling array of compliance challenges aimed at combating COVID-19 now face additional vaccination and testing requirements.

Key amendments to California's COVID-19 workplace standards imposed on employers

21 June 2021

Governor Newsom's Executive Order means the updated standards immediately entered into effect.

California adopts emergency COVID-19 standards

1 December 2020

The emergency standards affect most companies with California-based employees.

Lexology Getting The Deal Through - Market Intelligence

30 October 2020

DLA Piper's Employment team, in partnership with Lexology, launched guides that discuss the current employment landscape for New York and California.

COVID-19: DLA Piper's global industry guide to resuming production post-pandemic

5 October 2020

Now that many countries are slowly beginning to experience COVID-19 lockdown restrictions easing and a push to restart industries, we have compiled this comprehensive report on the key considerations for resuming film and TV productions across 15 jurisdictions.

- "Minors in Pro Esports Bring 3 Critical Legal Considerations," *Law360*, July 23, 2020
- "When Fantasy Football Impacts the Reality of the Workplace," *The Labor Dish*, Oct. 10, 2019
- "West-Side! Washington Continues to Follow (And Pass) California on Allowing for Wage and Hour Class Action Litigation," *The Labor Dish*, June 13, 2018, with Jeff DeGroot
- "Salary test for white collar workers under Fair Labor Standards Act enjoined," 29 Nov 2016
- "Performance Management: Lessons from Professional Baseball," *The Labor Dish*, March 14, 2017
- "The Case of the Gig-Headed League," *The Labor Dish*, December 8, 2015
- "Implementing California's Paid Sick Leave Law: 10 action items," June 17, 2015
- "Los Angeles raises the minimum wage: six action steps for California employers," May 21, 2015
- "The Love Contract – Taking the Romance Out of Office Trysts," *The Labor Dish*, March 30, 2015
- "Workplace policies and class action certification: key takeaways from two California cases," January 7, 2015
- "Andrew Carnegie's Advice on Corporate Matching and Avoiding Criminal Prosecutions," *The Labor Dish*, December 1, 2014
- "Three key cases in one day address the future contours of arbitration clauses in California: action steps for employers," June 26, 2014
- "You need to prove your case: California Supreme Court confirms wage-and-hour defendants have right to argue individualized defense in class action trials," June 5, 2014
- "Staying Productive in the Wild Wild West: Employer Responses to Bring Your Gun to Work Laws," *The Labor Dish*, May 13, 2014
- "Man bites dog: recovering attorney's fees from vexatious employees," February 27, 2014
- "Successor Liability for Employment Related Claims: A Pain in the Assets," *The Labor Dish*, January 9, 2014
- "Innovate or Die – Managing Millennials in the Workplace," *The Labor Dish*, November 25, 2013
- "California's statewide minimum wage increase and what it means for employers," September 25, 2013
- "Darden: continuing the trend of pro-arbitration decisions," June 27, 2013
- "California Court of Appeal: rest periods must be separately compensated for employees paid on a piece rate," May 31, 2013

Events

Previous

US employment laws and updates

17 November 2021
Consumer Goods and Retail speaker series
Webinar

US Thanksgiving Dinner

16 November 2021

OSHA's new vaccination and testing ETS: Key requirements and action steps for employers

12 November 2021 | 12:00 - 1:00 EST
Webinar

Annual California employment law briefing

6 October 2021
Annual California employment law briefing
Webinar

Tips for California employers: Three court decisions and what they mean for your wage statement compliance

11 August 2021 | 12:00 - 1:00 PT
Webinar

Returning to work: US employment webinar

12 May 2021
Webinar

US: Employment law training

7 October 2020
International employment law training

- Employment Training: Global Mergers & Acquisitions, April 27, 2022
- "US Employment Law and Updates," November 16, 2021
- "OSHA's New Vaccination and Testing ETS – Key Requirements and Action Steps for Employers," November 12, 2021
- "Annual Employment Law Briefing: Responding to the Pandemic," October 6, 2021
- "Tips for California Employers: Four Court Decisions and What They Mean for Your Wage Statement Compliance," August 11, 2021
- "Coronavirus and the new normal for US employers," March 19, 2020
- "Annual Employment Law CLE Briefing 2020," Seattle, February 20, 2020
- "California Employment Law Briefing," Los Angeles, January 30, 2020
- "CA AB 5: Codifying Dynamex and its effect on the California Technology Sector," October 29, 2019
- "California Employment Law Briefing," San Francisco, January 15, 2019, Silicon Valley, January 17, 2019 and Los Angeles, January 31, 2019
- "California Employment Law Briefing," Los Angeles, 2014-2019
- Panel Discussion on Internships, Take Part Live, December 16, 2013
- *Employment Law 101*, presented to companies across the United States

NEWS

DLA Piper advises StreetLight Data in its acquisition by Jacobs

10 February 2022

DLA Piper represented StreetLight Data, Inc., a leader in mobility analytics, in its recent acquisition by Jacobs, a professional services company offering consulting, technical, scientific and project delivery services for the government and private sector.

DLA Piper advises Shell in its acquisition of solar and energy storage developer Savion

6 January 2022

DLA Piper represented Shell New Energies US LLC, a subsidiary of Royal Dutch Shell plc (Shell), in its agreement to buy 100 percent of Savion LLC (Savion), a large utility-scale solar and energy storage developer in the United States, from Macquarie's Green Investment Group. With this acquisition, Shell expects to significantly expand its global solar portfolio.

DLA Piper advises HarbourView Equity Partners in its launch and strategic relationship with Apollo Global Management

8 October 2021

DLA Piper represented HarbourView Equity Partners, a global alternative asset manager focused on investment opportunities in the media and entertainment space, in its recent launch and the establishment of a strategic relationship with Apollo Global Management, Inc. (NYSE: APO) (together with its consolidated subsidiaries, "Apollo"), a global alternative investment management firm. Apollo clients and funds will serve as lead investors in HarbourView.

DLA Piper advises AEye Inc from Series A through SPAC Closing with CF Finance Acquisition Corp. III

18 August 2021

DLA Piper represented AEye, Inc. from its Series A investment through the recent closing and public listing on the NASDAQ via a business combination with CF Finance Acquisition Corp. III.

DLA Piper advises Parsec in its US\$320 million sale to Unity

12 August 2021

DLA Piper is representing Parsec in its sale to Unity (NYSE: U) for US\$320 million.

DLA Piper advises Smilegate in US\$100 million investment in That's No Moon Entertainment

3 August 2021

DLA Piper represented Smilegate Entertainment in its recent US\$100 million dollar strategic investment in That's No Moon Entertainment.

DLA Piper advises FastMed in its acquisition of CareSpot and MedPost Urgent Care

12 July 2021

DLA Piper represented FastMed in its recent acquisition of Tenet Healthcare's urgent care platform, which includes 87 CareSpot and MedPost clinics in Arizona, California, Florida and Texas.

DLA Piper advises Qualcomm in US\$1.4 billion acquisition of NUVIA

15 January 2021

DLA Piper represented Qualcomm Technologies, Inc., a subsidiary of Qualcomm Incorporated, in the acquisition of NUVIA, a world-class CPU and technology design team, with industry-leading expertise in high performance processors, for approximately US\$1.4 billion before working capital and other adjustments.

DLA Piper announces its 2019-2020 Pro Bono Award winners

30 November 2020

DLA Piper's lawyers and staff across the country and around the world are committed to promoting access to justice by providing their time, talent and energy to those who cannot afford to hire a lawyer.

MEDIA MENTIONS

- Mentioned, "Apple, Google, Facebook Bet on Communications Decency Act to Toss Casino Cases," Law.com, May 18, 2022

PRO BONO

Ben is committed to supporting the firm's pro bono efforts and is a member of the North American Pro Bono committee. He has extensive experience advising non-profit organizations with respect to youth engagement activities, has supervised numerous asylum petitions for individuals fleeing violence in Central America, and has provided research and writing to projects involving bail for juvenile offenders. Ben also supports the firm's Food Banks work, providing pro bono services for the Community Food Bank of Southern Arizona and the Ecumenical Hunger Program. In addition, Ben possesses expertise with assisting non-profit organizations in all aspects of employment law compliance throughout the West Coast.