



John Viola

Partner

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PRACTICES

- Labor and Employment

EDUCATION

- New York University School of Law, J.D., 1979
- Columbia University, A.B., 1976

EMPLOYMENT

- Thompson Coburn LLP Partner, 2015-Present
- Dykema Gossett LLP Member, 2007-2015
- Thelen LLP Partner, 1996-2007
- Adams, Duque & Hazeltine Partner, 1990-1996 Executive Committee Member, 1993-1995
- Metropolitan Life Insurance Company Attorney, 1979-1987

AFFILIATIONS

- American Bar Association
- State Bar of California
- State Bar of New York

John serves as a one-stop resource for employment counseling and litigation for companies in California and across the country.

He also draws on his background in the insurance industry to counsel and defend insurance companies on a host of industry-specific legal issues.

In his California and national employment law practice, John defends companies facing claims of discrimination, harassment, wrongful discharge and retaliation. He defends whistleblower claims and wage and hour class actions, collective actions and Private Attorney General Act (PAGA) actions. John provides advice and counsel to employers in dealing with the complex web of federal, state and local laws, regulations, ordinances and cases governing the employment relationship, including the Americans with Disabilities Act, the Equal Opportunity Act (EEO), the Age Discrimination in Employment Act, the Family and Medical Leave Act (FMLA), the Worker Adjustment and Retraining Notice Act (WARN), the California Family Rights Act (CFRA), the California Fair Employment and Housing Act (FEHA), and the California Labor Code. John also conducts internal employment investigations and leads on-site training for employees.

A former in-house attorney with MetLife, John has represented life and health insurance companies for decades and defends first-party "bad faith" and ERISA actions involving universal and variable life insurance policies, as well as more traditional policies, disability policies and health insurance policies and breach of fiduciary duties claims. John has represented insurers in class actions involving market conduct, premium, investment and cost issues. He also has guided insurers, reinsurers and guarantee associations through insolvencies.

For clients across a host of industries, John has tried cases in state and federal courts, and argued before a variety of state and federal appellate courts. He also has successfully arbitrated and mediated numerous cases before the AAA and other dispute resolution agencies.

John is a problem solver and skilled litigator who, nonetheless, strives to help clients head off problems long before they lead to litigation. He also ensures that a company's policies and response to potential and actual claims align with its brand, its values and its ultimate business goals, as well as, of course, with applicable law.

ADMISSIONS

- California
- California USDC, Central District
- California USDC, Eastern District
- California USDC, Northern District
- California USDC, Southern District
- Hawaii USDC
- New York USDC, Eastern District
- New York USDC, Northern District
- New York USDC, Southern District
- New York USDC, Western District
- US Ct Appeals, 3rd Circuit (Covers DE, NJ, PA, Virgin Islands)
- US Ct Appeals, 6th Circuit (Covers KY, MI, OH, TN)
- US Ct Appeals, 7th Circuit (Covers IL, IN, WI)
- US Ct Appeals, 9th Circuit (AZ, CA, HI, ID, MT, NV, OR, WA, Guam, M. Isles)
- US Ct Appeals, 10th Circuit (CO, KS, NM, OK, UT, WY)
- US Ct Appeals, DC Circuit
- US Supreme Ct

Experience

• **Employment Law**

- Employment actions including, wage and hour class actions, collective actions and PAGA actions, claims of wrongful termination, discrimination and harassment. sexual harassment, age discrimination, disability discrimination and misclassification issues.
- Termination, severance, layoffs and furloughs, remote work, accommodation of disabilities, paid sick leave, vacation, employee handbooks, and training on sexual harassment, sales practices and privacy issues.

• **Insurance Law**

- Defense of complex life and health insurance matters, including class actions involving alleged improper premium increases and costs and alleged deceptive sales practices in the sale of life and health insurance policies
- Defense of "actions involving claim denials, deceptive sales and marketing practices in the sale of life insurance policies and annuities, including "vanishing premium" policies, elder abuse, fraud, securities fraud, unfair business practices and RICO violations.
- Defense of actions involving "bad faith" claim denials and actions involving rescissions, suicides, accidental death and other benefits issues.
- Representation of insurers and reinsurers in insolvency matters.

• **Business Litigation and Counseling**

- Defense of ADA claims including access to websites for the blind and visually impaired and physical access barriers.
- Preparation and negotiation of business contracts.
- Litigation of business disputes, including breach of contract, trade secret, unfair competition and whistleblower claims.

• **Probate and Trust Litigation**

- Litigation of trusts and estate disputes involving elder abuse, fraud and probate and trust administration.

Recognitions

- Listed in The Best Lawyers in America® (by BL Rankings), 2015-2024
- Listed in Southern California Super Lawyers (by Thomson Reuters), 2005; 2007-2010, 2017-2018

Publications

- "The Tricky Implications Of New Calif. Noncompete Laws," *Law360*, April 3, 2024
- Co-author, "U.S. Supreme Court sides with employers over arbitration of PAGA claims"; *ThompsonCoburn.com* June 30, 2022
- Contributor, "Employers grapple with wage-and-hour claims amid pandemic," *San Gabriel Valley Tribune*, June 1, 2021
- Co-author, "City of Los Angeles enacts new sick pay ordinance"; *JD*

Supra, April 11, 2020

- Contributor, "Going hybrid? Get a remote work policy, attorney says" *HR Dive* May 17, 2021
- "California Ups the Ante on Minimum Wages"; *Thompson Coburn E-Alert*, April 2016
- Contributor, "Alternative Dispute Resolution Chapter"; *Cumulative Supplement to Employment Discrimination Law*, ABA, 2015
- "California Employers: Are You Ready for 2016?"; *Thompson Coburn E-Alert*, December 2015
- "Employers and medical marijuana: Are California's anti-drug policies up in smoke?"; *Tracking Cannabis Blog*, November 2015
- "California auto dealers: Re-check your pay plans and wage statements before January 1, 2016"; *Automotive Headlines Blog*, November 2015
- "Trick or Treat for California Employers: The California Legislature hands out a 'mixed bag' of employment laws"; *Thompson Coburn E-Alert*, October 2015
- "California 'cures' its new paid sick leave law"; *Thompson Coburn E-Alert*, July 2015
- "Infographic: New California Employment Laws for 2015"; May 2015
- "Are you ready for California's new paid sick leave law?"; *Thompson Coburn E-Alert*, March 2015

Presentations

- "Responsible Return to the Workplace: Testing and Contact Tracing" Dallas Regional Chamber September 2020