



## Damon M. Ott

Shareholder

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## Practice Areas

Litigation and Trials  
Contractors, Staffing and Contingent Workers  
Wage and Hour  
Employment Taxes  
Class Action  
Audit Services

## Overview

Damon M. Ott has extensive experience representing and counseling companies in connection with a broad spectrum of employment and labor law issues, but focuses heavily on matters involving independent contractor classification, alternative workforce arrangements, and the complex legal and business considerations involved in such relationships. In addition to regularly defending clients in large-scale class, collective, and representative (PAGA) actions involving claims of independent contractor misclassification, Damon frequently assists clients with employment tax audits and cases. In particular, Damon has extensive experience in matters involving the California Employment Development Department (EDD), including representing clients before the California Unemployment Insurance Appeals Board (CUIAB) and in civil tax cases against the State of California.

Damon has served as trial counsel in three wage and hour class actions (involving independent contractor misclassification, compensability of travel/commute time, and compensability of non-productive time), all resulting in complete defense verdicts, with one resulting in a significant published appellate court decision clarifying the standard used to determine independent contractor status under California law. He assists clients in designing and maintaining defensible independent contractor arrangements, including drafting and revising contracts and related materials. Damon also performs audits of contractor arrangements and advises employers regarding potential improvements, areas of risk, and amounts of potential exposure. In addition, he offers legal opinions and guidance to potential purchasers in the due diligence process for sales of businesses with significant independent contractor arrangements.

Damon represents clients in a wide range of industries with considerable experience assisting companies in the gig economy, transportation, energy generation, and technology sectors. He has provided advice to multiple industry associations and their members, including offering legal support for legislation and serving as negotiating counsel in multiple efforts to develop regulations with the EDD.

He is a member of the firm's Class Action Avoidance and Defense Practice Group, Wage and Hour Practice Group, Technology Practice Group, and the Transportation and Trucking Practice Groups. Damon has been heavily involved in firm management and administration, including as an active member of the San Francisco office's Hiring Committee since 2004, and formerly serving as a member of Littler's Associate Committee from 2008 to 2021. Damon was extended an offer to join Littler as an associate during his third year in law school and, following graduation, began his legal career in Littler's San Francisco office, where he has remained since starting in 2001. Damon was elevated to shareholder in 2008.

## Professional and Community Affiliations

- Member, American Bar Association
- Member, State Bar of California
- Member, Bar Association of San Francisco

## Events & Speaking Engagements

### **2021 California Virtual Regional Employer Conference**

Sacramento, CA  
October 28, 2021

### **Keynote, Recent Trends and Developments in Employment Law Impacting The Transportation Industry**

California Delivery Association Annual Meeting, Sacramento, CA  
August 25, 2021

### **Transportation and Logistics Roundtable**

June 23, 2021

### **Video Interview, Impact of AB5 on Trucking Industry**

FreightWaves.com Online Summit  
June 9, 2021

### **(R)evolution of the "ABC" Test – AB 2257 & Prop 22**

MCLE Webinar  
November 20, 2020

### **Overview of IC/Employment Changes**

California Delivery Association Annual Meeting and Convention  
March 4-5, 2016

### **Independent Contractors in the Sharing Economy**

The Bar Association of San Francisco, Barristers Labor & Employment Law Section  
October 15, 2015

### **Hot Topic Events – What Does the MDA Court Decision Mean for California Operators, TNC’s, ...and CDA Goes to Sacramento**

California Delivery Association  
August 6, 2015

### **California's Labor & Employment Laws, Staying Compliant - A Long and Winding Road Ahead**

California Trucking Association  
June 16, 2015

### **Overview of IC/Employment Changes**

California Delivery Association Annual Meeting and Convention  
March 6-7, 2015

### **Golden Rules For The Golden State: Key Insights Into California’s Complex Labor & Employment Laws For International Business Leaders And Human Resource Professionals**

JSB Webinar  
August 14, 2014

## **Recognition**

- Recipient, American Jurisprudence Award in Civil Procedure

## **Education**

J.D., University of California, Davis School of Law, 2001  
B.A., The College of Idaho, 1997, *cum laude*

## **Bar Admissions**

California

## **Courts**

U.S. District Court, Northern District of California  
U.S. District Court, Central District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Southern District of California

## **Publications & Press**

**A California employment attorney talks AB5**

*In the News*

September 12, 2022

**Small Fleet Summit: Dealing with AB5 in California**

*In the News*

June 9, 2021