



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

ADMISSIONS

- California
- California USDC, Central District
- California USDC, Eastern District
- California USDC, Northern District
- California USDC, Southern District
- 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, DC Circuit
- US Supreme Ct

AFFILIATIONS

John serves as a one-stop resource for employment counseling and litigation for companies across the country, particularly as they relate to California operations.

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 national employment law practice, John defends companies facing claims of discrimination, harassment, wrongful discharge and retaliation. He also has defended whistleblower claims and successfully litigated several wage and hour class actions. John frequently 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 and health insurance policies. 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.

Experience

- **Employment Law**
 - Employment actions, including, wage and hour class actions and claims of wrongful termination, discrimination and harassment.
 - Defense of ERISA actions, including claims for benefits and claims for breach of fiduciary duty.

- American Bar Association
- State Bar of California

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

Insurance Law

- Defense of Unfair Business Practices actions under California Business and Professions Code §§ 17200, et seq.
- Defense of class actions involving alleged deceptive sales practices in the sale of life and health insurance policies and annuities and consumer goods and services.
- Defense of class actions involving alleged improper premium increases in universal life and health insurance policies.
- Defense of "bad faith" actions involving alleged 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 "bad faith" actions involving rescissions, suicides, accidental death and other benefits issues.
- Representation of insurers in insolvency matters, including the Mission, Executive Life and Superior National insolvencies.

Recognitions

- Listed in The Best Lawyers in America® (by BL Rankings), 2015-2021
- Listed in Southern California Super Lawyers (by Thomson Reuters), 2005; 2007-2010, 2017-2018

Publications

- "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"

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