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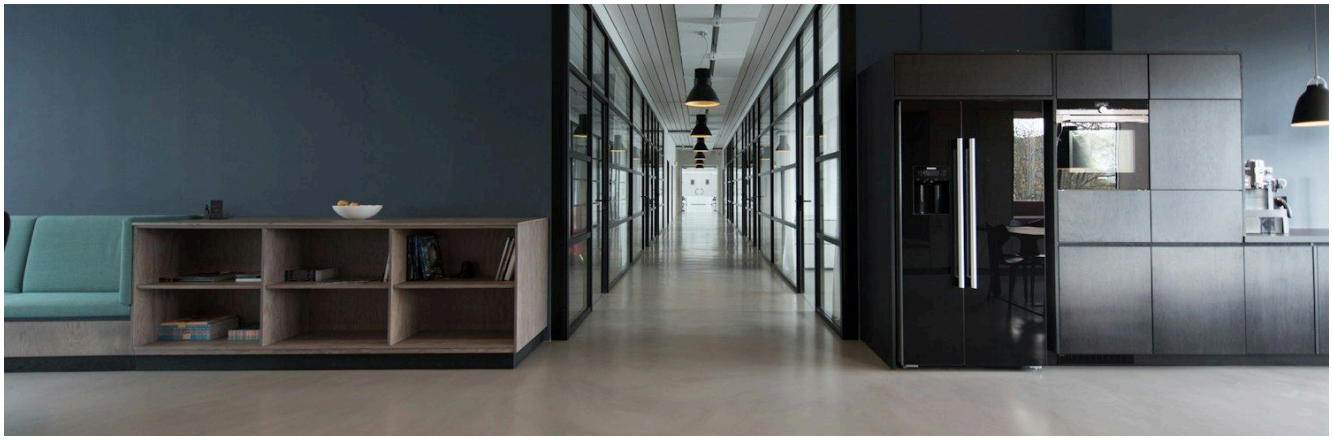
PRACTICE GUIDE · EMPLOYMENT LAW

Theories of Liability & Common Defenses

Grand Park Law Group · 2026



Plaintiff's Theories of Liability

- FEHA DiscriminationGov. Code § 12940
- Sexual HarassmentGov. Code § 12940(j); DFEH
- RetaliationGov. Code § 12940(h); Lab. Code § 1102.5
- Wrongful Termination in Violation of Public PolicyTameny v. Atlantic Richfield (1980)
- PAGA ClaimsLab. Code § 2698 et seq.; AB 2288
- Wage & Hour ViolationsLab. Code §§ 510, 512; IWC Wage Orders

Common Defense Theories

- Legitimate Non-Discriminatory ReasonMcDonnell Douglas Framework
- At-Will Employment / Lack of ContractLab. Code § 2922
- Arbitration Agreement DefenseFAA; EFAA (2022)
- Same-Actor InferenceEmployment Discrimination Defense
- Waiver / Release DefenseOWBPA; ADEA; FEHA
- Managerial Discretion / Business NecessityDisparate Impact Defense

Practice	Employment Law
Publication	Practice guide · 2026

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