



JUSTIN T CARTER

Justin Carter defends employers in employment litigation and represents businesses in commercial disputes.

His clients range from public entities and healthcare providers to technology companies, insurance companies, restaurants and hospitality groups, landscaping and environmental services companies, nonprofits, and small businesses with a few employees, where one bad hire is a company-sized problem. He came to the defense side after two and a half years on the plaintiff side, where he learned how the case against an employer gets built.

Mr. Carter's employment practice covers discrimination, harassment, retaliation, wrongful termination, and family and medical leave claims, wage-and-hour claims, Labor Commissioner claims, wage-and-hour class actions, and representative actions under the Private Attorneys General Act (PAGA). He looks for the early exit. He has won demurrers that narrow or knock out claims at the start of a case, ended many Labor Commissioner claims at the settlement conference before they reached a hearing, and briefed summary judgment motions and motions to limit the scope of PAGA and class claims. He also handles matters in arbitration.

His business litigation practice covers trade secret misappropriation, fraud, deceptive marketing, unfair competition, and shareholder and partnership disputes. He represents companies as plaintiffs as well as defendants, including in trade secret cases and the fraud claims that travel with them. In one recent matter, a client discovered an employee's misconduct, let her go, and was sued for discrimination. Mr. Carter filed a cross-complaint against her on the client's behalf, and she dismissed all her claims without any payment.

PRACTICE AREAS

- ▶ Business Litigation
- ▶ Employment

EDUCATION

- ▶ J.D., California Western School of Law
- ▶ B.B.A., San Diego State University

ADMITTED TO PRACTICE

- ▶ State Bar of California
- ▶ US District Court- Southern District of California
- ▶ US District Court- Central District of California
- ▶ US District Court- Eastern District of California
- ▶ US Bankruptcy Court for the Eastern District of California
- ▶ US District Court –Northern District of California
- ▶ US Bankruptcy Court for the Southern District of California

Before joining Higgs Fletcher & Mack, Mr. Carter spent two and a half years on the plaintiff side of employment litigation. He was on the trial team that won a \$10 million jury verdict for a single plaintiff in a sexual harassment case in San Diego, and he helped defeat the defense's motions for judgment notwithstanding the verdict and for a new trial. He drafted much of the motion practice on a class action with more than 140,000 putative class members and briefed class certification motions. He served as lead counsel at mediations that produced six-figure settlements, and he has been admitted pro hac vice in federal courts in New York, Florida, Texas, Pennsylvania, and Illinois.

Across his practice, Mr. Carter has argued close to 50 motions and ex parte applications, taken and defended a dozen depositions, and served on trial teams through multiple jury and bench trials, handling witness preparation, motions in limine, and mid-trial analysis. He handles every phase of a case, from the first evaluation through pleadings, discovery, depositions, motion practice, mediation, arbitration, and trial. He has started and run two small businesses of his own, one of them through law school, and it shows in how he talks with owners about cost and about when to fight.

A San Diego native, Mr. Carter earned his Bachelor of Business Administration from San Diego State University and his J.D. from California Western School of Law. He is a member of the Louis M. Welsh American Inn of Court.