



John Guarino

Of Counsel

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John Guarino maintains a diverse practice with an emphasis on labor and employment matters. With clients consisting of private- and public-sector employers, John is skilled in all aspects of federal and state employment discrimination laws and handles cases arising under all state and federal fair employment practices statutes.

A former member of the Navy Judge Advocate General (JAG) Corps, John has more than 20 years of litigation experience that includes 30+ jury trials. A recognized expert in the courtroom, he excels in all aspects of preparing and trying complex cases. John has vast experience negotiating settlements, drafting and arguing pretrial motions, and examining expert witnesses. He also has been involved in more than 400 personnel termination hearings, successfully representing some of the Navy's most senior officers.

Education

- The George Washington University Law School (LL.M. with highest honors, 2015)
- T.C. Williams School of Law at the University of Richmond (J.D., 1999)
- James Madison University (B.A., 1996)

Bar Admissions

- California
- Virginia

Awards & Honors

- Designated Expert in Military Justice Litigation

Services

- Employment & Labor

Client Wins

San Diego Team Secures Voluntary Dismissal Defending Wrongful Termination Case

Bruno W. Katz (Partner-San Diego, CA) and John A. Guarino (Of Counsel-San Diego, CA) secured a voluntary dismissal with prejudice in San Diego Superior Court on behalf of a U.S. medical device manufacturer in an employment case alleging discrimination, failure to accommodate, failure to engage in the interactive process, wrongful termination and retaliation. The plaintiff claims our client's decision to terminate him was based on two impermissible factors: his medical condition/disability and his alleged reporting to his supervisor of his belief that the client fails to comply with FDA and California regulations. Seeking damages for lost earnings, punitive damages and attorney's fees, the plaintiff maintains our client failed to engage in an interactive process with him about his alleged disabling medical conditions and made no reasonable accommodations for his continued employment. Bruno and John established that the plaintiff was hired by our client for a role almost exclusively connected to one medical device and that he was let go along with other workers connected to the device soon after its discontinuation. Through discovery and an extensive deposition of the plaintiff, the Wilson Elser team significantly attacked plaintiff's credibility and showed that his claims had no merit. As such, the plaintiff dismissed the lawsuit with prejudice, with no settlement costs incurred by the client.

Katz and Guarino Secure Defense Verdict, Countering Harassment and Retaliation Claims

Bruno W. Katz (Partner-San Diego, CA) and John A. Guarino (Of Counsel-San Diego, CA) secured a defense verdict in the San Diego Superior Court for Wilson Elser's clients, a luxury health spa and the facility's executive chef. The plaintiff was an employee at the client's spa, hired to work as the sous chef in April 2019, and reporting to the executive chef. The plaintiff commenced work in May 2019 and alleges that during her employment at the spa, she was harassed by our chef-client and another employee. The plaintiff alleges that she complained to spa management in July concerning the co-worker's racially insensitive comments and again in late August 2019 regarding the chef's alleged comment about her being "a feisty Latina." Her complaint as to the chef was first reported to human resources after she received a poor performance evaluation. In September 2019, our clients terminated the plaintiff's employment for business-related reasons, including her ongoing poor performance in her sous chef role and an inappropriate response and comments to subordinate employees after receiving the poor performance evaluation. The plaintiff sued, alleging harassment based on race and gender, and retaliation for her complaints. The complaint alleges two counts of harassment, one against the spa and the other against the executive chef personally, plus two claims of retaliation: common law and whistleblower retaliation.

Following a five-day jury trial, Bruno and John secured a defense verdict in favor of Wilson Elser's clients on all counts. The jury specifically found no severe and pervasive harassment by the spa or its chef in a 10–2 vote and no traditional retaliation or whistleblower retaliation in an 11–1 vote. Bruno and John's successful defense strategies also resulted in the court's adjudging Wilson Elser's clients to be the prevailing parties in

this matter.