

FEHA Employee Who Was Working Remotely May Sue In County Where She Lived

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Malloy v. Superior Court, 2022 WL 4298371 (Cal. Ct. App. 2022)

Eleanor Malloy began working remotely for her employer (which was located in Orange County) at her home in Los Angeles County in March 2020 due to the COVID-19 pandemic. Malloy filed a complaint in the Los Angeles Superior Court, alleging pregnancy discrimination under the California Fair Employment and Housing Act (“FEHA”). In response, the employer filed a motion to change venue to Orange County where it contended the alleged wrongful acts were committed and where all records relating to the lawsuit were maintained. The trial court granted the employer’s motion, but the Court of Appeal granted Malloy’s petition for writ of mandate and ordered the trial court to vacate its order granting the employer’s motion to change venue and further ordered the trial court to deny the motion. The Court of Appeal held that venue was proper in Los Angeles County because the employer “interfered with Malloy’s leave [of absence] rights in Los Angeles County, where they were being exercised, not in Orange County.” Moreover, the Court reasoned that Malloy would have continued to work in Los Angeles County but for the unlawful employment practices.

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