

# Bryan J. Schwartz

BRYAN SCHWARTZ LAW  
OAKLAND



**B**ryan J. Schwartz opened the doors to his employee-side civil rights and equality of opportunity practice in 2009, and has grown Bryan Schwartz Law to a six-attorney boutique with two new hires slated to join this summer.

He moved west after a stint at a District of Columbia employment law firm where he gained extensive experience representing federal workers with Equal Employment Opportunity Commission complaints.

"In Washington, I got to know that practice area. Now, there are only a handful of us in the Bay Area who do it with any regularity," he said.

In early June, his familiarity with federal workplace law paid off when the EEOC certified a class of more than 10,000 U.S. government workers with disabilities who claim they lost job opportunities due to discriminatory medical clearance denials.

The certification was a reversal; an administrative law judge held earlier that because a lead class plaintiff had settled her individual claim, the larger case should also be dismissed. "That judge was confused or misinformed," Schwartz said.

The case arose from the denial of medical clearance for Karen Saba, who has cerebral palsy and wished to serve in Afghanistan for the U.S. Agency for International Development. The State Department would not clear her even though it had never tested her abilities, talked to her physicians, or considered any reasonable accommodation for her disability. *Saba v. Blinken*, 530-2012-00389X (EEOC, op. filed June 6, 2022).

"This case covers anyone who seeks to work for the U.S. abroad and who was denied post-

specific medical clearances," Schwartz said. "This is an extraordinary victory, and I am confident it will lead to major changes in the way the State Department hires and supports disabled federal workers, especially in the foreign service."

Schwartz added: "That my courageous client, Karen Saba, and I have persevered over a decade, and even after the case was seemingly dismissed, makes this important step forward even sweeter."

He noted that statutory penalties for each of the class members could add up to \$100 million in claims.

In another potential blockbuster, Schwartz is fighting off another appeal by Tesla Inc. in his long-running battle to certify a class of autoworkers who allegedly faced the pervasive, unaddressed use of the "N" word at the carmaker's Fremont manufacturing plant. *Vaughn v. Tesla Inc.*, RG17882082 (Alameda Co. Super. Ct., filed Nov. 13, 2017).

He has successfully fought off Tesla's effort to compel arbitration and is now resisting the defense's attempts to eliminate class claims.

He had hoped to engage in settlement talks following the \$137 million jury verdict against Tesla in a recent federal case on similar claims. But, "No one has ever accused Tesla of being reasonable in their litigation decisions," Schwartz said.

- JOHN ROEMER