

Daily Journal

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LABOR & EMPLOYMENT

The Daily Journal is honoring in this first-ever Labor and Employment supplement **California's top 25 lawyers** working in the field. We examine what the changes will mean for legal professionals, how the U.S. work force is realigning and how the recession has fueled a boom in labor and employment litigation.

EMPLOYMENT DEFENSE

Employers received stellar defenses from these 10 lawyers while the recession fueled a wave of employment and labor litigation against companies.



Tracey A. Kennedy

Sheppard, Mullin, Richter & Hampton
Los Angeles

Year in Review: Tracey A. Kennedy successfully obtained a complete defense verdict for Hyundai Motor America in May 2008 when a saleswoman filed suit alleging gender discrimination, harassment and retaliation for being passed over for a promotion. At the 24-day trial, Kennedy helped reveal that the employee had lied on her resume about her college education; under Kennedy's cross examination, the saleswoman blamed her husband for the lies. "She said it was his idea, just threw him under the bus," Kennedy recalled. "It was pretty fun." In March, Kennedy obtained a defense verdict for Whole Foods Market when an employee filed suit in Los Angeles County Superior Court claiming pregnancy discrimination, pregnancy harassment and retaliation. At the eight-day trial, Kennedy argued Whole Foods was not the type of company that would harass its pregnant employees and called employees as witnesses. "I think

it really came down to [the plaintiff] was not that likeable," Kennedy explained. "The theme we used was self-responsibility: going to work and doing your job."

Next Challenge: In August, Kennedy will defend Network Management Group against a wage-and-hour class action in Los Angeles County Superior Court that alleges the company's supervisors were improperly classified as salaried employees and should have been hourly employees entitled to overtime plus interest, as well as meal and rest breaks all worth an estimated \$20 to \$40 million.

Most People Don't Know: Kennedy has run with the bulls in Pamplona after drinking gallons of Sangria not once, but twice, and is eager to do it again despite the dangers.