



Tracey A. Kennedy

Partner

Los Angeles
333 South Hope Street
Forty-Third Floor
Los Angeles , CA 90071

Tel: 213.617.4249
Fax: 213.620.1398
tkennedy@sheppardmullin.com

PRACTICE AREAS

- Labor and Employment
- Litigation

INDUSTRIES

- Education
- Entertainment, Media and Technology
- Healthcare
- Hospitality
- Retail

OVERVIEW

Tracey A. Kennedy is a partner in the Labor and Employment Practice Group in the firm's Los Angeles and New York offices.

Areas of Practice

Ms. Kennedy is responsible for all aspects of employment litigation matters on behalf of employers and management.

An experienced trial attorney, she has tried to verdict in state and federal court employment matters such as age, race, sex and disability discrimination, sexual and racial harassment, retaliation, and wrongful termination. Ms. Kennedy has also tried to verdict wage and hour class actions. Ms. Kennedy provides preventive counseling to clients concerning personnel and employment matters. Ms. Kennedy has lectured state-wide on personnel practices, employment discrimination, retaliation, sexual harassment, and wrongful termination.

Ms. Kennedy also has experience in labor issues such as union organizing, labor negotiations, and labor arbitrations.

EDUCATION

- J.D., University of Texas at Austin, 1990
- B.A., University of Texas, 1987

ADMISSIONS

- California
- Texas
- New York
- U.S. District Court for the Central, Northern and Eastern Districts of California
- Ninth Circuit
- District of Nebraska

EXPERIENCE

June, 1989 - Jury Trial (14 days)

Court: Riverside County Superior Court (Hon. Hanks)

Case: Misdemeanor Possession

Role: First Chair Prosecutor (certified law clerk)

Verdict: Guilty

March, 1991 - Bench Trial (5 days)

Court: Los Angeles County Superior Court (Hon. D. Janavs)
Case: Breach of Construction Contract and Settlement Agreement
Role: Lead Trial Attorney
Verdict: Defense

November, 1993 - Jury Trial (14 days)

Court: Los Angeles County Superior Court (Hon. Bernard Kaufman)
Case: Wrongful Termination and Retaliation
Role: Second Chair
Verdict: Hung Jury

May, 1996 - Jury Trial (14 days)

Court: Los Angeles County Superior Court (Hon. Valerie Baker)
Case: Race Discrimination and Breach of Contract (27 year employee)
Role: Second Chair
Verdict: Defense Verdict as to Race Discrimination; Plaintiff Verdict as to Breach of Contract

August, 1996 - Jury Trial (14 days)

Court: Los Angeles County Superior Court (Hon. Judith Chirlin)
Case: Race Discrimination and Breach of Contract
Role: Second Chair
Verdict: Defense Verdict as to Race Discrimination; Plaintiff Verdict as to Breach of Contract

April, 1998 - Jury Trial (25 days)

Court: Los Angeles County Superior Court (Hon. Alexander Williams)
Case: Wrongful Termination, Violation of Fair Credit Reporting Act, Retaliation, and Race Discrimination
Role: Second Chair
Verdict: Plaintiff Verdict as to Wrongful Termination and Violation of FCRA; Defense Verdict as to Discrimination and Retaliation

August, 1998 - Jury Trial (7 days)

Court: United States District Court, Central District (Hon. Audrey Collins)
Case: Age Discrimination (Three plaintiffs)
Role: Co-counsel
Verdict: Defense (as to all plaintiffs)

October, 1998 - Jury Trial (4 days)

Court: Los Angeles County Superior Court (Hon. Richard Kalustian)
Case: Sexual Harassment and Retaliation
Role: Lead Trial Attorney
Verdict: Plaintiff (verdict was less than half of settlement offer)

February, 1999 - Jury Trial (8 days)

Court: Los Angeles County Superior Court (Hon. James Dunn)
Case: Age Discrimination and Breach of Contract
Role: Co-Counsel
Verdict: Defense

June, 1999 - Jury Trial (14 days)

Court: Tulare County Superior Court (Hon. Patrick O'Hara)
Case: Race and Age Discrimination and Breach of Contract
Role: Lead Trial Attorney
Verdict: Defense

November, 1999 - Jury Trial (7 days)

Court: United States District Court, Central District (Hon. William Rea)
Case: Race Discrimination and Retaliation
Role: Co-Counsel
Verdict: Defense

January, 2000 - Bench Trial (6 days)

Court: United States District Court, Central District (Hon. Laughlin Waters)
Case: Race and National Origin Discrimination, Race and National Origin Harassment and Retaliation
Role: Lead Trial Attorney
Verdict: Defense

March, 2000 - Bench Trial (5 days)

Court: Los Angeles County Superior Court (Hon. Joseph R. Kalin)
Case: Breach of Written Employment Contract for Chief Financial Officer
Role: Lead Trial Attorney
Verdict: Plaintiff (fraud claims and individuals dismissed before trial)

September, 2000 - Jury Trial (5 days)

Court: Los Angeles Superior Court (Hon. Coleman Swart)
Case: Breach of Implied Contract and Age and Sex Discrimination
Role: Lead Trial Attorney
Verdict: Defense

August, 2001 - Bench Trial (4 days)

Court: Los Angeles County Superior Court (Hon. James L. Wright)
Case: Medical Condition and Disability Discrimination and Overtime Pay
Role: Lead Trial Attorney
Verdict: Defense

November, 2002 - Jury Trial (10 days)

Court: Los Angeles County Superior Court (Hon. Ralph Dau)
Case: Race Retaliation (three plaintiffs)
Role: Lead Trial Attorney
Verdict: Defense Verdict as to two Plaintiffs; Plaintiff verdict as to retaliation in violation of public policy

March, 2003 - Jury Trial (10 days)

Court: Los Angeles County Superior Court (Hon. Alan Buckner)
Case: Retaliation, Age Association Discrimination, Medical Condition Association Discrimination, Breach of Contract
Role: Lead Trial Attorney
Verdict: Plaintiff Verdict as to Retaliation and Breach of Contract; Defense Verdict as to all other claims.

August, 2003 - Jury Trial (10 days)

Court: Los Angeles County Superior Court (Hon. Paul Gutman)

Case: Age and Gender Harassment, Age and Gender Discrimination, Unequal Pay (Gender Based), Failure to Promote, Breach of Contract
Role: Lead Trial Attorney
Verdict: Plaintiff Verdict on gender harassment; Defense Verdict as to all other claims

September, 2005 - Jury Trial (25 days)

Court: San Bernardino County Superior Court (Hon. Ben Kayashima)
Case: Disability Discrimination, Violation of the California Family Rights Act, Breach of Contract
Role: Lead Trial Attorney
Verdict: Defense Verdict

January, 2006 - Jury Trial (19 days)

Court: Los Angeles County Superior Court (Hon. Victor Persón)
Case: Retaliation (Violation of Labor Code § 1102.5)
Role: Lead Trial Attorney
Verdict: Defense Verdict

May, 2008 - Jury Trial (24 days)

Court: Orange County Superior Court (Hon. Peter Polos)
Case: Gender Discrimination and Harassment, Retaliation, Loss of Consortium
Role: Lead Trial Attorney
Verdict: Defense Verdict

July, 2008 - Bench Trial (1 day)

Court: Los Angeles Superior Court (Hon. Louis Lavin)
Case: Wage penalties
Role: Lead Trial Attorney
Verdict: Defense Verdict

August, 2008 -- Bench Trial (9 days)

Court: Los Angeles County Superior Court (Hon. Susan Bryant-Deason)
Case: National Origin Discrimination and Harassment
Role: Lead Trial Attorney
Verdict: Settlement (during trial)

March, 2009 -- Trial (8 days)

Court: Los Angeles County Superior Court (Hon. Zaven Sinanian)
Case: Pregnancy Discrimination, Pregnancy Harassment and Retaliation
Role: Lead Trial Attorney
Verdict: Defense Verdict

August 2009 -- Trial (8 days)

Court: Orange County Superior Court (Hon. Richard Luesebrink)
Case: Disability Discrimination, Harassment, Retaliation, Failure to Accommodate
Role: Lead Trial Attorney
Verdict: Defense Verdict

September 2009—Bench Trial (10 days)

Court: Los Angeles County Superior Court (Hon. William MacLaughlin)
Case: Wage and Hour Class Action (Exemption) (Business & Profession Code § 17200)
Role: Lead Trial Attorney
Verdict: Defense Verdict January 2010

December 2009 – Jury Trial (8 days)

Court: Orange County Superior Court (Hon. Franz Miller)

Case: Overtime (Exemption) and Meal/Rest Period

Role: Co-Counsel

Verdict: Defense Verdict

February 2010 Jury Trial (10 days)

Court: Los Angeles County Superior Court (Hon. Ronald Sohigian)

Case: Disability discrimination

Role: Lead Trial Attorney

Verdict: Plaintiff verdict - New trial granted

August 2010 Jury Trial (10 days)

Court: Santa Rosa County Superior Court (Hon. Mark Tansil)

Role: Co-Counsel

Case: Sexual Harassment and Retaliation

Verdict: Plaintiff Verdict

October 2010 Jury Trial (10 days)

Court: San Francisco Superior Court (Hon. Charlene P. Kiesselbach)

Case: Wrongful Termination and Reimbursement (Labor Code section 2802)

Role: Co-Counsel

Verdict: Defense Verdict

March 2011 Jury Trial (15 days)

Court: Los Angeles County Superior Court (Hon. David Milton)

Case: Civil Stalking, Wrongful Termination, Sexual Harassment

Role: Lead Trial Attorney

Verdict: Plaintiff

October 2011 Jury Trial (6 days)

Court: Los Angeles County Superior Court (Hon. Louis Meisinger)

Case: Retaliation, Wrongful Termination, Failure to Prevent Retaliation

Role: Co-Lead Counsel

Verdict: Defense

Reported Cases

Louie Lu v. Hawaiian Gardens Casino, 50 Cal.4th 592 (2010)

HONORS

- Top Women Litigators, *Daily Journal*, 2009, 2010
- Named one of The Nation's Most Powerful Employment Attorneys -- Up-and-Comers by *Human Resource Executive*, 2011
- Southern California Super Lawyer, 2009, 2010, 2011, 2012
- Top Labor & Employment Lawyers, Chambers & Partners, 2009, 2010, 2011
- Recognized, Labor and Employment and Labor and Employment Litigation, *Legal 500*, 2011
- Top Labor & Employment Lawyers, *Daily Journal*, 2010
- Top Ten Employment Defense Attorney, *Daily Journal*, 2009

MEMBERSHIPS

- Member, American Board of Trial Advocates
- American Trial Lawyers Association
- Former Member of the Executive Committee, Labor & Employment Law Section, Los Angeles County Bar Association
- Former Chair and Co-Chair, Barristers Sports Project Committee
- Former Member, Barristers Executive Committee
- Former Co-Chair, Barristers South Central Legal Services Committee
- Former Associate Editor, California Labor and Employment Law Quarterly
- Former Executive Committee Member, Labor and Employment Law Section, Beverly Hills Bar Association

ARTICLES

- Logging a String of Big Wins in Labor & Employment, *Daily Journal*, February 9, 2011
- Employment Defense - Tracey Kennedy, *Daily Journal*, July 14, 2010
- Top 2010 Women Litigators, *Daily Journal*, May 12, 2010
- Top Labor Attorney - Tracey Kennedy, *The Los Angeles Daily Journal*, July 15, 2009
- 2009 - Top Women Litigators, *Daily Journal*, May 13, 2009
- New Disability Law, December 26, 2000
- If It's Done Right, You Too, Can Be An At Will Employer, November 1, 2000

SPEECHES

- Ms. Kennedy has lectured state wide on personnel practices, employment discrimination, harassment, wrongful termination, unfair business practices, and trial practice and techniques.

EVENTS

- 2012 Employment Discrimination and Personnel Relations Laws - San Francisco, Orange County, Pasadena and Los Angeles
- 2011 Employment Discrimination And Personnel Relations Laws - San Francisco, Orange County, Pasadena and Los Angeles
- 2010 Employment Discrimination and Personnel Relations Laws Series - Los Angeles, Orange County, San Francisco and Pasadena
- 2010 Langston Bar Association Labor & Employment Seminar for New Attorneys
- 2009 Employment Discrimination and Personnel Relations Laws Series - Los Angeles, Orange County, San Francisco and Pasadena
- 2008 Employment Discrimination and Personnel Relations Laws Series - Los Angeles, Orange County, San Francisco and Pasadena