



## → Tracey A. Kennedy

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Tracey Kennedy is a partner in the Labor and Employment Practice Group in the firm's Los Angeles office.

### Areas of Practice

Tracey is a trial attorney responsible for employment litigation matters on behalf of employers and management, including jury and bench trials and arbitrations. An experienced trial attorney, she has tried to verdict in state and federal court employment matters such as age, race, sex, national origin, sexual orientation and disability discrimination, as well as harassment, retaliation and wrongful termination claims. Tracey has also tried to verdict three wage and hour class actions. In addition, she provides preventive counseling to clients concerning personnel and employment matters.

Tracey is a Fellow in the American College of Trial Lawyers and a member of American Board of Trial Advocates (ABOTA). She has lectured around the country on personnel practices, employment discrimination, retaliation, harassment and wrongful termination.

### Honors

- Leading U.S. Corporate Employment Lawyers, *Lawdragon*, 2020-2022
- Lawyer of the Year - Employment, *Best Lawyers*, 2022
- Best Lawyer in America, *Best Lawyers*, 2020-2022
- American College of Trial Lawyers, 2016
- Client Service All-Star, *The BTI Consulting Group*, 2018
- Top Labor & Employment Lawyer, *Daily Journal*, 2010 and 2012-2018, 2020
- Most Influential Women Lawyers in Los Angeles, *Los Angeles Business Journal*, 2017
- Most Influential Minority Lawyers in Los Angeles, *Los Angeles Business Journal*, 2016
- Most Powerful Employment Lawyers, *Lawdragon*, 2016-2019
- Labor and Employment Star – California, *Benchmark Litigation*, 2015-2022
- World Class Employment Lawyer, *Lawdragon*, 2014
- Recognized as a Leading Employment Lawyer in USA, *11th Edition PLC Employment Multijurisdictional Guide*, 2012
- Top Women Lawyer/Litigator, *Daily Journal*, 2009, 2010, 2013, 2014, 2015 and 2017

- Named one of The Nation's Most Powerful Employment Attorneys, *Human Resource Executive*, 2011 and 2015-2019
- Southern California Super Lawyer, *Super Lawyers*, 2009-2021
- Top Labor & Employment Lawyer, *Chambers & Partners*, 2009-2021
- Recognized, Labor & Employment Litigation, *Legal 500*, 2011-2014 and 2017-2019
- Top Ten Employment Defense Attorney, *Daily Journal*, 2009

## Experience

### Select Cases:

- *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 (five days)*  
Court: Los Angeles County Superior Court (Hon. Dzintra 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 as to Race Discrimination; Plaintiff 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 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 as to Wrongful Termination and Violation of FCRA;  
Defense as to Discrimination and Retaliation
- *August 1998 – Jury Trial (seven days)*  
Court: U.S. District Court for the Central District of California (Hon. Audrey Collins)

Case: Age Discrimination (three plaintiffs)

Role: Co-Counsel

Verdict: Defense (as to all plaintiffs)

- *October 1998 – Jury Trial (four 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 (eight 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 (seven days)*  
Court: U.S. District Court for the Central District of California (Hon. William Rea)  
Case: Race Discrimination and Retaliation  
Role: Lead Trial Attorney  
Verdict: Defense
- *January 2000 – Bench Trial (six days)*  
Court: U.S. District Court for the Central District of California (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 (five 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 (five 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 (four 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 for one Plaintiff.
- *March 2003 – Jury Trial (10 days)*  
Court: Los Angeles County Superior Court (Hon. Alan Buckner)  
Case: Retaliation, Age Association Discrimination, Medical Condition Association Discrimination and 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 and 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 and Breach of Contract  
Role: Lead Trial Attorney  
Verdict: Defense
- *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
- *May 2008 – Jury Trial (24 days)*  
Court: Orange County Superior Court (Hon. Peter Polos)  
Case: Gender Discrimination and Harassment, Retaliation and Loss of Consortium  
Role: Lead Trial Attorney  
Verdict: Defense
- *July 2008 – Bench Trial (one day)*  
Court: Los Angeles Superior Court (Hon. Louis Lavin)  
Case: Wage Penalties  
Role: Lead Trial Attorney  
Verdict: Defense
- *August 2008 – Bench Trial (nine 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 – Jury Trial (eight days)*  
Court: Los Angeles County Superior Court (Hon. Zaven Sinanian)  
Case: Pregnancy Discrimination, Pregnancy Harassment and Retaliation  
Role: Lead Trial Attorney  
Verdict: Defense
- *August 2009 – Bench Trial (eight days)*  
Court: Orange County Superior Court (Hon. Richard Luesebrink)  
Case: Disability Discrimination, Harassment, Retaliation and Failure to Accommodate  
Role: Lead Trial Attorney  
Verdict: Defense
- *September 2009 – Bench Trial (10 days) (Class Action)*  
Court: Los Angeles County Superior Court (Hon. William MacLaughlin)  
Case: Wage and Hour Class Action (Executive Exemption) (Business & Professions Code § 17200)  
Role: Lead Trial Attorney  
Verdict: Defense
- *December 2009 – Jury Trial (eight days)*  
Court: Orange County Superior Court (Hon. Franz Miller)  
Case: Overtime (Exemption) and Meal/Rest Period  
Role: Co-Lead Counsel  
Verdict: Defense
- *February 2010 – Jury Trial (10 days)*  
Court: Los Angeles County Superior Court (Hon. Ronald Sohigian)  
Case: Disability discrimination  
Role: Lead Trial Attorney  
Verdict: Plaintiff – new trial granted (settled post motion)
- *August 2010 – Jury Trial (10 days)*  
Court: Santa Rosa County Superior Court (Hon. Mark Tansil)  
Role: Co-Lead Trial Attorney  
Case: Sexual Harassment and Retaliation  
Verdict: Plaintiff
- *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-Lead Trial Attorney  
Verdict: Defense
- *March 2011 – Jury Trial (15 days)*  
Court: Los Angeles County Superior Court (Hon. David Milton)  
Case: Civil Stalking, Wrongful Termination, Sexual Harassment and Gender Discrimination  
Role: Lead Trial Attorney  
Verdict: Plaintiff
- *October 2011 – Jury Trial (six days)*  
Court: Los Angeles County Superior Court (Hon. Louis Meisinger)  
Case: Retaliation, Wrongful Termination and Failure to Prevent Retaliation

Role: Co-Lead Trial Attorney

Verdict: Defense

- *December 2011 – Jury Trial (25 days)*  
Court: Los Angeles Superior Court (Hon. Abraham Khan)  
Case: CFRA Harassment Discrimination and Retaliation  
Role: Lead Trial Attorney  
Plaintiff Verdict: Retaliation, Negligence  
Defense Verdict: Harassment, Kin Care, Associational Discrimination and Punitive Damages (settled on appeal)
- *April 2012 – Bench Trial (10 days) (Class Action)*  
Court: Los Angeles County Superior Court (Hon. David Minning)  
Case: Wage and Hour Class Action (tip pool) (Business & Professions Code § 17200)  
Role: Lead Trial Attorney  
Verdict: Defense
- *October 2012 – Bench Trial (five days)*  
Court: Orange County Superior Court (Hon. Ronald Bauer)  
Case: Wrongful Termination and Blacklisting  
Role: Lead Trial Attorney  
Verdict: Defense
- *December 2012 – Jury Trial (nine days)*  
Court: Santa Barbara County Superior Court (Hon. Donna Geck)  
Case: Sexual Harassment Retaliation, Wrongful Demotion and Termination  
Role: Lead Trial Attorney  
Verdict: Defense
- *February 2013 – Jury Trial (five days)*  
Court: Southern District Texas (Hon. Vanessa Gilmore)  
Case: ADEA and TCHRA (age)  
Role: Lead Trial Attorney  
Verdict: Plaintiff
- *March 2013 – Jury Trial (19 days)*  
Court: Los Angeles County Superior Court (Hon. Abraham Khan)  
Case: Age and National Origin Discrimination, Defamation and Retaliation  
Role: Lead Trial Attorney  
Verdict: Plaintiff (three claims); Defense (two claims and punitive damages)
- *February 2014 – Jury Trial (21 days)*  
Court: Alameda County Superior Court (Hon. Robert McGuiness)  
Case: Age Harassment, Age Discrimination, Retaliation and Failure to Prevent (three defendants)  
Role: Lead Trial Attorney  
Verdict: Defense
- *September 2015 – Arbitration (seven days)*  
Arbitration: Los Angeles (Hon. Enrique Romero)  
Case: Sexual Harassment, Retaliation, Bane Act, Wrongful Termination by former employee (complaint) and wrongful termination and indemnification by former supervisor (cross-complaint)

Role: Lead Trial Attorney

Verdict: Defense (all claims as to Claimant and Cross-Claimant)

- *January 2016 – Jury Trial (12 days)*  
Court: Los Angeles (Hon. Michael Johnson)  
Case: Sexual Harassment, Retaliation and Intentional Infliction of Emotional Distress  
Role: Lead Trial Attorney  
Verdict: Plaintiff
- *March 2016 – Jury Trial (19 days) (Class Action)*  
Court: Eastern District of California (Hon. Stanley Boone)  
Case: Class Action – Wage and Hour (Meal Period, rest breaks, premium payments, waiting time penalties and PAGA penalties) (Three certified classes of 29,500 current and former employees)  
Role: Lead Trial Attorney  
Verdict: Defense as to all claims but meal premium pay (\$495,000), defense as to all PAGA penalties
- *May 2016 – Jury Trial (six days)*  
Court: Los Angeles County Superior Court (Hon. Victor E. Chavez)  
Case: Sexual, Race and Sexual orientation Harassment and Intentional Infliction of Emotional Distress  
Role: Lead Trial Attorney  
Verdict: Defense
- *October 2013 – August 2016 Arbitration (50 days)*  
FINRA arbitration (New York)  
Case: Representing claimant company for Breach of Fiduciary Duty, Breach of Contract and Breach of Loyalty Interference with Contract  
Role: Third Chair  
Verdict: Claimant
- *September 2017 – Arbitration (two days)*  
AAA: James Adler  
Case: Disability Discrimination, Failure to Accommodate, Failure to Engage in Interactive Process, Retaliation and Wrongful Termination  
Role: Lead Attorney  
Verdict: Defense
- *November 2017 – Jury Trial (12 days)*  
Court: Orange County Superior Court (Hon. Derek Hunt)  
Case: Gender Discrimination, Retaliation, Failure to Accommodate, Failure to Engage in Interactive Process and Disability Discrimination  
Role: Lead Trial Attorney  
Verdict: Defense
- *April 2018 – Jury Trial (seven days)*  
Court: Los Angeles County Superior Court (Hon. Gregory Alarcon)  
Case: Disability Discrimination and Retaliation  
Role: Lead Trial Attorney  
Verdict: Plaintiff as to retaliation (\$42,000) Defense as to all other claims
- *December 2020 – Arbitration (two days)*  
AAA: Christine Masters

Case: Retaliation and Wrongful Termination

Role: Lead Attorney

Verdict: Defense

- *March 2021 – Bench Trial (four days)*

Court: Los Angeles County Superior Court (Hon. Yolanda Orozco)

Case: Sexual Harassment

Role: Lead Trial Attorney

Verdict: Defense

- *August 2021 – Jury Trial (nine days)*

Court: Riverside Superior Court

Case: Pregnancy Harassment/Discrimination, Retaliation, Failure to Accommodate, Failure to Prevent, Defamation, Wrongful Termination

Role: Lead Trial Attorney

Verdict: Plaintiff-Defamation only

- *September 2021 – Jury Trial (six days)*

Court: United States District Court, Northern District of California (Hon. William Orrick)

Case: Race Harassment Retaliation (Section 1981)

Role: Lead Trial Attorney

Verdict: Plaintiff

## Reported Cases:

- *Cloud v. Northrop Grumman*, 67 Cal. App. 4th 995 (1998)
- *Louie Lu v. Hawaiian Gardens Casino*, 50 Cal. 4th 592 (2010)

## Articles

- New Disability Law  
12.26.2000
- If It's Done Right, You Too, Can Be An At Will Employer  
11.01.2000

## Media Mentions

'Not a Simple Story': How 2021 Trials Will Go Down in One Northern District of California Courtroom  
*The Recorder*, 12.16.2020

Anaheim Ducks firm wins verdict in discrimination case  
*Los Angeles Business Journal*, 11.11.2017

Leaders in Law  
*Los Angeles Business Journal*, 10.30.2017

Top Labor & Employment Lawyers  
*Daily Journal*, 07.19.2017



Top Women Lawyers  
*Daily Journal*, 05.24.2017

Most Influential Minority Lawyers in Los Angeles  
*Los Angeles Business Journal*, 09.12.2016

California's Top Labor and Employment Lawyers  
*Daily Journal*, 07.20.2016

Top Labor & Employment Attorneys  
*Daily Journal*, 06.03.2015

Top Women Lawyers- Tracey Kennedy  
*Daily Journal*, 05.13.2015

Top Women Lawyers - Tracey Kennedy  
*Daily Journal*, 05.07.2014

Logging a String of Big Wins in Labor & Employment  
*Daily Journal*, 02.09.2011

Employment Defense - Tracey Kennedy  
California lawyers companies turn to first  
*Daily Journal*, 07.14.2010

Top 2010 Women Litigators  
*Daily Journal*, 05.12.2010

Top Labor Attorney - Tracey Kennedy  
Named one of California's top 25 attorneys.  
*The Los Angeles Daily Journal*, 07.15.2009

2009 - Top Women Litigators  
Partner Tracey Kennedy named a top women litigator.  
*Daily Journal*, 05.13.2009

## Speaking Engagements

Tracey has lectured statewide on personnel practices, employment discrimination, harassment, wrongful termination, unfair business practices and trial practice and techniques.

- Featured Legal Commentator, National Association of Healthcare Recruiters, 2009-2015

## Events

2015 Employment Discrimination and Personnel Relations Laws  
Castle Publications, Ltd. Labor & Employment Seminars  
Winter 2015

2014 Employment Discrimination and Personnel Relations Laws  
Summer 2014: August 13 and 21

2014 Employment Discrimination and Personnel Relations Laws  
Winter 2014: February 20 and March 5

CAALA Las Vegas  
Consumer Attorneys Association of Los Angeles Annual Convention  
The Wynn Las Vegas, Summer 2013

2013 Employment Discrimination and Personnel Relations Laws - Pasadena Area and Orange County  
Summer 2013: July 31, August 15

2012 Employment Discrimination and Personnel Relations Laws - San Francisco, Orange County, Pasadena and Los Angeles  
Winter 2012: February 7, February 16, February 23 and March 1

2011 Employment Discrimination And Personnel Relations Laws - San Francisco, Orange County, Pasadena and Los Angeles  
Winter 2011: February 8, February 16, February 24, and March 3

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

## Memberships

- Fellow, American College of Trial Lawyers
- Member, Association of Southern California Defense Counsel
- Member, American Board of Trial Advocates
- Member, American Trial Lawyers Association
- Member, Litigation Counsel of America
- Former Member, 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

## Practices

Labor and Employment

Labor and Employment Litigation

Discrimination, Harassment, and Retaliation

Wage and Hour Class Actions

Wrongful Termination

Labor and Employment Counseling

Employee Hiring/Discipline/Termination

Employment Agreements

Handbooks and Personnel Policies

Harassment Investigation and Training

Wage and Hour Regulations

Workplace Violence

Litigation

## Industries

Entertainment, Technology and Advertising

Financial Services

Food and Beverage

Healthcare

Hospitality

Insurance

Retail, Fashion & Beauty

## Education

J.D., University of Texas at Austin School of Law, 1990

B.A., University of Texas, 1987

## Admissions

California

New York

Texas

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Central, Northern, Southern and Eastern Districts of California

U.S. District Court for the Northern and Southern Districts of Texas

U.S. District Court for the Southern and Eastern Districts of New York