



Kevin Sullivan

Associate

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KEVIN SULLIVAN is an Associate in the Employment, Labor & Workforce Management practice, in the Los Angeles office of Epstein Becker Green. He focuses his practice on employment law; litigating all forms of employment law cases, with a concentration on wage and hour class and collective actions; and client counseling.

Mr. Sullivan:

- Provides counseling on employment issues, such as compliance with the California Labor Code and Fair Labor Standards Act (“FLSA”) wage and hour laws and misclassification, overtime, meal and rest breaks, discrimination, harassment, whistleblower retaliation, wrongful termination, retaliation, breach of contract, and defamation cases
- Represents employers before state and federal courts and in arbitration regarding all aspects of employment litigation and in matters before the California Division of Labor Standards Enforcement, the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, and other administrative agencies
- Defends employers against claims brought under the California Labor Code and FLSA wage and hour laws in class and collective actions in federal and state courts

Mr. Sullivan was named to the *Southern California Rising Stars* list (2017, 2018) in the area of Employment & Labor: Employer.

Before joining Epstein Becker Green, Mr. Sullivan was an attorney at a national defense-side employment law firm, where he focused on wage and hour class action defense. Previously, he had been an attorney at a plaintiff-side wage and hour class action law firm.

Representative Experience

- Obtained summary judgment and a dismissal with prejudice in a case brought by two plaintiffs alleging claims for wrongful termination in violation of public policy, whistleblower retaliation, sexual harassment, age harassment, age discrimination, disability discrimination, failure to prevent age and disability discrimination, failure to prevent sexual and age harassment, failure to prevent retaliation, breach of implied-in-fact contract, breach of express contract, intentional infliction of emotional distress, and defamation
- Obtained summary judgment in a single-plaintiff case alleging claims for failure to provide meal periods and failure to pay all wages due upon termination
- Defeated class certification where the employee claimed that a nationwide apartment-complex employer failed to pay him overtime and minimum wages for alleged off-the-clock work and also failed to provide him compliant meal and rest breaks
- Prevailed on a motion to strike class allegations by showing that the plaintiffs failed to act with excusable neglect when they missed the deadline to file for class certification
- Defeated class certification where the employee claimed that a fast food franchisee-employer failed to provide shift leaders and assistant managers with minimum and overtime wages for alleged off-the-clock work, meal and rest breaks, wages due at termination, reimbursement for company-required safety footwear, and accurate paystubs
- Defeated class certification where the employee claimed that a retail store employer failed to provide hourly employees with reimbursement for mileage commuting to work, meal breaks, rest breaks, minimum wages and overtime wages for alleged off-the-clock work, time spent commuting, accurate paystubs, and all wages due at termination
- Successfully compelled arbitration on behalf of a fast food franchisee-employer of an employee's individual wage and hour claims while simultaneously forcing dismissal of class and Private Attorney General Act ("PAGA") representative claims
- Successfully negotiated the dismissal of class claims brought by an employee alleging that the employer failed to provide retail store employees with minimum and overtime wages for alleged off-the-clock work on closing shifts, where managers would allegedly keep the employees after clocking out but before closing and locking the store
- Successfully compelled arbitration on behalf of multiple non-signatory defendants of an employee's religious discrimination, wrongful termination, and retaliation claims, where the employee claimed that the arbitration agreement was entered into with a prior entity that was not a named defendant
- Successfully obtained a voluntary dismissal of class claims, following motions to strike such claims, brought by an employee alleging that a fast food franchisee-employer failed to provide hourly employees meal breaks, rest breaks, overtime wages for alleged off-the-clock work, minimum wages for alleged off-the-clock work meal and rest breaks, accurate paystubs, all wages due at termination, unlawful deductions and unreimbursed business expenses, split-shift premiums, and reporting time pay

- Successfully compelled arbitration of an employee's disability discrimination and wage and hour claims, where the employee claimed that an employer waived its right to seek arbitration because the employer did not immediately request arbitration and had engaged in discovery

Education

- University of San Diego School of Law (J.D., 2009)
- University of California, Los Angeles (B.S., 2006)

Bar Admissions

- California

Practice Areas

- Class Actions
- Employment Litigation
- Wage and Hour

Court Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California