



## Michael S. Kun

Member of the Firm

### Los Angeles

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**MICHAEL S. KUN** is a Member of the Firm in the Employment, Labor & Workforce Management practice, in the Los Angeles office of Epstein Becker Green. He is Co-Chair of the firm's national Wage and Hour practice group. Mr. Kun represents clients in such diverse industries as staffing services, hospitality, health care, manufacturing, logistics, and residential housing.

Mr. Kun's practice includes:

- Litigating more than 140 class actions and collective actions in California, New York, Georgia, and Maryland involving a variety of employment issues, including wage-hour and discrimination claims, and successfully defeating motions for class certification on such claims in both federal and state courts. The cases have included claims of misclassification and of failure to pay for all time worked and to provide required meal and rest periods. The sizes of the putative classes have ranged from 75 to approximately 110,000 employees.
- Litigating a wide variety of employment-related claims, including discrimination, harassment, retaliation, breach of contract, misclassification, overtime, meal and rest periods, restrictive covenants, whistleblower, and defamation cases. Mr. Kun has taken more than a dozen of these cases to trial.
- Providing counseling and management training on employment issues.
- Drafting and review of employment agreements, arbitration agreements, and restrictive covenants.

Mr. Kun speaks before professional and business groups on a variety of employment-related topics. He is the author of "An Empathetic Approach to Layoffs," "Disclosure of Identities in Employment Class Actions," and "Getting the Most Out of Voir Dire," all of which appeared in *Employment Law360*; "Dismissals That Didn't Stick," which appeared in *The Human Resources Professional*; and "What the Historic *Dukes v. Wal-Mart* Decision Means for Employers," which appeared in *Metropolitan Corporate Counsel*. He is the co-editor of, and a contributing writer to, the [Wage & Hour Defense Blog](#).

Mr. Kun is one of the creators of the [Wage & Hour Guide for Employers](#) app, which provides employers with easy access to federal and state wage and hour laws.

Mr. Kun is also a published novelist and sportswriter. His novel *The Locklear Letters* has been converted into a movie that will be released in 2020. His novel *You Poor Monster* was nominated for the Pulitzer Prize and was a Barnes and Noble "Discover Great New Writers" selection. He is also the author or co-author of *We Are Still Tornadoes*, *Everybody Says Hello*, *The Baseball Uncyclopedia*, *The Football Uncyclopedia*, *My Wife and My Dead Wife*, *Corrections to My Memoirs*, and *A Thousand Benjamins*.

Mr. Kun has been recognized by *Chambers USA* as a leading labor and employment lawyer. Additionally, he has been named to the [Southern California Super Lawyers](#)list (2006 to 2020) in the areas of Employment & Labor: Employer and Class Action/Mass Torts: Defense. Mr. Kun was "Recommended" in the Labor and Employment Disputes (Including Collective Actions): Defense category by *The Legal 500 United States* (2012, 2013, 2017 to 2020). In 2019, *The National Law Review* named Mr. Kun a "[Go-To Thought Leader](#)" in the area of Employment Law, for "his work analyzing Employment Law matters, employment class action litigation, complying with Fair Labor Standards Act (FLSA) overtime and changing Department of Labor (DOL) wage-hour and salary threshold regulations, as well as changes in arbitration rules."

## **Education**

- University of Virginia School of Law (J.D., 1988)
- Johns Hopkins University (B.A., with honors, 1984)

## **Court Admissions**

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court, Central District of California
- U.S. District Court, District of Maryland
- U.S. District Court, Eastern District of California
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of California

## **Bar Admissions**

- California

### **Practice Areas**

- Class Actions
- Employment Litigation
- Foreign Multinational Counseling and Litigation
- Trade Secrets & Employee Mobility
- Wage and Hour

### **Industries**

- Hospitality
- Health Care and Life Sciences Industry