



## Richard J. Frey

Member of the Firm

### Los Angeles

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**RICHARD J. FREY** is a Member of the Firm in the Employment, Labor & Workforce Management and Litigation & Business Disputes practices, in the Los Angeles office of Epstein Becker Green. He is a seasoned litigator, focusing his practice on the unique labor and employment challenges faced by employers and general and complex commercial litigation and business matters. His clients include Fortune 500 companies, prominent hospitals and health care groups, sports and entertainment agents, movie studios and independent film producers, communications companies, government contractors, and nonprofit organizations, among others.

Mr. Frey:

- Provides representation to employers in all types of employment litigation, in both state and federal courts and before arbitration tribunals
- Represents clients in commercial litigation matters involving, among other things, securities transactions, ERISA, insurance coverage, contract disputes, trade secrets, and unfair competition
- Defends commercial class actions against alleged violations of the California Business and Professions Code § 17200, and provides representation to clients in wage and hour and shareholder derivative class actions
- Represents employers in collective bargaining, union avoidance, and labor arbitration
- Provides advice on government investigations and litigations, internal investigations, and regulatory matters
- Counsels corporate clients on non-compete and non-disclosure concerns arising from mergers and acquisitions, including the drafting and negotiation of executive employment contracts and contractual provisions addressing trade secret and employee mobility issues

Before joining Epstein Becker Green, Mr. Frey served in dual leadership roles as both the Chair of the West Coast Commercial Litigation Practice Group and the Chair of the West Coast Labor and Employment Practice Group of a large national law firm. Previously, he was a partner at an international law firm, where he served in the Trial

Department and focused his practice on labor and employment matters and trade secret and unfair competition litigation.

While attending law school, Mr. Frey served as a Senior Staff Member of the *Pepperdine Law Review* and was a Judicial Clerk for the Honorable James M. Idelman of the U.S. District Court for the Central District of California.

Mr. Frey has been selected for inclusion in *Southern California Super Lawyers* lists (2007 and 2010 to 2018) in the areas of Employment & Labor: Employer, Civil Litigation: Defense, and Entertainment & Sports. In 2004, he was included on the *Southern California Super Lawyers Rising Stars* list.

## **Education**

- Pepperdine University School of Law (J.D., cum laude, 1994)
  - Dean's Merit Scholar
  - Senior Staff Member, *Pepperdine Law Review*
- University of California, Santa Barbara (B.A., cum laude, 1991)

## **Bar Admissions**

- California

## **Practice Areas**

- Business Litigation
- Class Actions
- Corporate and Securities Litigation
- Employment Litigation
- ERISA and Benefit Plan Litigation
- Government Investigations/Civil & Criminal
- Labor & Employment Litigation
- Labor Management Relations
- Trade Secrets & Employee Mobility
- Mergers, Acquisitions & Divestitures
- Wage and Hour

## **Industries**

- Health Care and Life Sciences Industry
- Technology, Media & Telecommunications

### **Court Admissions**

- U.S. Court of Appeals for the Ninth Circuit
- 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

### **Memberships**

- Children's Burn Foundation, Board of Directors
- Good Shepherd School (New Orleans, LA), Annual Golf Tournament, Co-Chair

## **Representative Matters**

- Obtained the dismissal of sanctions in favor of an employer based on employees' spoliation of electronically stored information
- Successfully prosecuted whistleblower and retaliation claims on behalf of the departed CFO of a private software company
- Obtained the dismissal of a nationwide class action against a national insurance carrier in federal court on behalf of non-MD providers alleging that defendants had a uniform practice of under-reimbursing out-of-network providers
- Secured an attorneys' fee award in the amount of \$500,000 against the plaintiff and his attorney after winning summary judgment in an ERISA matter
- Secured an attorneys' fee award in the amount of \$185,000 in a state action on behalf of a national insurance brokerage group arising out of a threatened trade secret and breach of contract claim by another broker
- Represented a noted sports agent in connection with trade secret and unfair competition issues arising from the departure of another agent
- Successfully litigated a UCC matter on behalf of an international equipment and parts manufacturer over secured transaction relating to allegedly defective alternative energy equipment threatening to cause an imminent environmental hazard
- Prevailed on SLAPP motions in two negligent referral cases involving the representation of a major communications company
- Successfully defended through an appeal of a Fortune 1000 company in an unfair competition claim arising from the California energy crisis

- Defended various high-profile employers, including a leading Los Angeles hospital, in federal and state class actions and all types of employment litigation, collective bargaining, union avoidance, and labor arbitration
- Successfully represented several executives from large public companies in shareholder derivative actions, SEC matters, and other governmental investigations