



Michael (Mike) S. Kun

Member of the Firm

Los Angeles

1925 Century Park East
Suite 500
Los Angeles, California 90067
Tel: 310-557-9501
Fax: 310-553-2165

mkun@ebglaw.com

Mike Kun defends employers in high-stakes wage and hour, breach of contract, discrimination, and harassment cases. He has litigated more than 160 wage and hour class and collective actions in California, New York, Georgia, Maryland, and Pennsylvania. Clients credit Mike's ability to identify issues early. He develops creative strategies to dispose of claims and drastically reduce their litigation exposure—and he does it efficiently to help them save money. By focusing on the unique issues in each case, he regularly defeats class certification motions or obtains dismissal of proposed class claims.

Mike's creative approach is highly effective when defending employers in class and collective actions, as well as in single-plaintiff cases. He's taken more than a dozen single- or multi-plaintiff cases to trial, defending claims of discrimination, retaliation, harassment, breach of contract, and defamation. He draws on his litigation experience to help his clients avoid costly mistakes in their pay practices, employment agreements, arbitration agreements, and restrictive covenants.

Mike is co-chair of Epstein Becker Green's Wage and Hour practice group, co-creator of the firm's [Wage & Hour Guide for Employers app](#), and co-editor of, and a contributing writer to, the firm's [Wage and Hour Defense Blog](#).

Outside of his legal practice, Mike has published 10 books. His novel *You Poor Monster* was nominated for the Pulitzer Prize. His novel *The Locklear Letters* was adapted for a movie entitled "Eat Wheaties!" that will be released in 2021. He also co-authored *We Are Still Tornadoes*, which was adapted into a play and is being developed for a television series.

Experience

- Defeated class certification on claims that a national insurance company was the "joint employer" of its vendors' property inspectors, did not pay for all time worked, denied them meal and rest periods, and provided inaccurate wage statements. After developing a creative strategy to show the plaintiffs could not establish the

elements for class certification, Mike was able to reduce the case to just four plaintiffs and obtain an award of summary judgment as to those four individuals.

- Defeated class certification of claims brought against an ambulance industry client claiming it did not provide adequate meal and rest breaks to paramedics. Mike convinced the court to strike Private Attorneys General Act representative claims as unmanageable, and then persuaded the court of appeal to dismiss the plaintiff's appeal of those rulings.
- Defeated class certification of claims for unpaid wages, missed meal and rest periods, and inaccurate wage statements brought against a residential housing industry client. By showing the plaintiff could not establish the elements of class certification, Mike reduced the matter to a single-plaintiff case, which he then convinced plaintiff to dismiss voluntarily.
- Obtained summary judgment in a class action brought against a temporary staffing company where the plaintiff claimed the temporary staffing company was vicariously liable for alleged wage and hour violations of its client. Mike's creative arguments were upheld on appeal, establishing a precedent in California that alleged "joint employers" are not liable for each other's alleged wage and hour violations.
- Convinced a federal judge to deny the plaintiff's motion for class certification on claims that a staffing company did not timely pay final wages to more than 1,000 terminated employees in California.

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
- Georgia

- Maryland

Practice Areas

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

Industries

- Health Care and Life Sciences Industry
- Hospitality

Recognition

- *Chambers USA: America's Leading Lawyers for Business, Labor and Employment Defense (2009, 2012, 2013)*
- *The Legal 500 United States, Labor and Employment Disputes Defense, Collective Actions (2012, 2013, 2017 to 2021)*
- *The National Law Review, "Go-To Thought Leader," Employment Law (2019)*
- *Southern California Super Lawyers, Employment & Labor: Employer and Class Action/Mass Torts: Defense (2006 to 2020)*