



Fred M. Plevin

Managing Partner

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Fred Plevin has specialized in serving employers throughout California for 30 years. He defends single plaintiff and class action employment claims for private and public sector clients, counsels employers on employment issues, and conducts management training on human resources and HR risk management issues. Fred has an excellent record in jury trials of a wide variety of employment matters. He also has extensive experience in other employment-related claims in state and federal court, including wage and hour class actions and trade secret disputes. In addition, he has been Paul Plevin's Managing Partner since establishing the firm in 1998, overseeing the firm's growth from six to 29 lawyers.

Fred has been selected by his peers to be included in *The Best Lawyers in America*[®] since 2005, and has been listed in *Southern California Super Lawyers* and *The Best of the U.S.* attorney listings since 2007. He holds Martindale Hubbell's highest peer rating ("AV Preeminent") for Legal Ability and General-Ethical Standards. *Best Lawyers* has twice named Fred the "Lawyer of the Year" for Litigation - Labor and Employment in San Diego (2012 and 2018). Fred was ranked by Martindale-Hubbell as a Top Lawyer for 2016 and 2017 in the Labor & Employment category as published in *San Diego Magazine*.

Fred is a member of several invitation-only national groups. He is an elected Fellow of the College of Labor and Employment Lawyers. He is also a Senior Fellow of the Litigation Counsel of America, and a member of the Wage & Hour Defense Institute (consisting of top wage and hour litigators from all 11 federal circuits), the Management Labor Employment Roundtable and American Employment Law Council, both organizations of top management-side labor and employment lawyers from across the United States. He has also served as an Adjunct Professor of Law at California Western School of Law.

In 2017, Fred accepted an invitation to serve as a member of the Board of Visitors of the UC San Diego Moores Cancer Center.

Representative Matters

- Lead counsel in the trial court and on appeal for Orange County Superior Court in *Wills v. Superior Court*, 195 Cal.App.4th 143 (2011), a highly publicized opinion which affirmed summary judgment for our client, and established that the California Fair Employment and Housing Act does not prohibit an employer from discharging an employee for making threats, even if the employee's conduct is caused by a disability (bipolar disorder)
- Defense verdicts in jury trial of claims by two laid off employees of a public entity who claimed age discrimination and retaliation (San Diego Superior Court)
- Defense verdict in jury trial of court interpreter's claim of age discrimination and fraud; upheld on appeal (Orange County Superior Court)
- Defense verdict in jury trial of research scientist's claim of national origin discrimination (San Diego Superior Court)
- Defense verdict in jury trial of "hiring fraud" and Labor Code section 970 claims by a bank executive (San Diego Superior Court)
- Defense verdict in jury trial of claims of hostile environment, sexual harassment, and gender discrimination by retail employee (Orange County Superior Court)
- Partial defense verdict in jury trial of claims of gender and age discrimination and retaliation in tenure denial of university professor (Orange County Superior Court)

Education

- Boston University School of Law, J.D., 1986, *magna cum laude*
- State University of New York, Albany, B.S., Biology, 1983, *cum laude*

Professional Experience

- Paul, Plevin, Sullivan & Connaughton LLP
Founder & Managing Partner, August 1998 – Present
- Gray Cary Ware & Freidenrich, Partner, 1993 – 1998
Associate, 1986 – 1992; Chair, Gray Cary Employment Services Practice Group (1998)

Admissions

- All California state courts
- All United States District Courts in California
- United States Courts of Appeals for the Ninth Circuit and District of Columbia Circuit
- United States Supreme Court

Professional Activities

- Fellow, College of Labor & Employment Lawyers (elected)
- Senior Fellow, Litigation Counsel of America (invited)
- Member, American Employment Law Council (invited)
- Member, Wage & Hour Defense Institute (invited)
- Member, Management Labor Employment Law Roundtable (invited)
- Member, American Bar Association, Labor & Employment Law Section (Fair Labor Standards Legislation and Employment Rights & Responsibilities sub-sections)
- Member, State Bar of California, Labor and Employment Law Section
- Member, San Diego County Bar Association, Labor and Employment Law Section (Former Chair)
- Member, Board of Visitors, UC San Diego Moores Cancer Center
- Adjunct Professor of Law, California Western School of Law (2011-2013)

Recognitions

- Best Lawyers in America (since 2005)
- Best Lawyers San Diego Lawyer of the Year— Litigation—Labor & Employment (2012, 2018)
- San Diego Super Lawyers—Employment Litigation (since 2007)
- Martindale Hubbell AV Preeminent Attorney (Highest rating)
- San Diego's Top Lawyers—San Diego Magazine
- Martindale-Hubbell Labor & Employment Top Rated Lawyer
- Top Attorneys in Southern California—Los Angeles Magazine
- Bar Register of Preeminent Lawyers
- America's Most Honored Professionals—Top 1%

- Defense judgment in bench trial of claims by pharmaceutical area business manager of claims for violation of the California Family Rights Act, failure to accommodate, and wrongful termination (Orange County Superior Court)
- Defense judgment in bench trial of race and discrimination claims by Employee Relations Manager of a superior court (Los Angeles Superior Court)
- Obtained Civil Service Commission decision upholding discharge of public employee who claimed he was fired for “whistleblowing;” then obtained dismissal of related federal court civil rights claim and attorneys’ fee award against plaintiff (U.S. District Court, Southern District of California)
- Successful trial of scientific misconduct charges to University Privilege and Tenure Committee and successful defense of related writ proceeding and appeal (Los Angeles)
- Defense arbitration award in age discrimination claim by employee terminated for misconduct (Tucson, AZ)
- Defense arbitration award in breach of contract claim by terminated executive (San Diego)
- Summary judgment on claim by public entity supervisor of age discrimination and retaliation for taking medical leave; obtained anti-SLAPP dismissal and attorneys’ fees on employee’s defamation claim (San Diego Superior Court)
- Summary judgment on claim by university student of wrongful dismissal from graduate program (San Diego Superior Court)
- Summary judgment for public entity in disability discrimination claim by clerk who claimed she was denied promotion based on disability (Los Angeles Superior Court)
- Summary judgment for university in gender discrimination claim by laid off program manager (Orange County Superior Court)
- Summary judgment for university in a claim of race discrimination based on denial of tenure brought by the EEOC (U.S. District Court, Central District of California)
- Summary judgment for university in a claim of disability discrimination and failure to accommodate (Orange County Superior Court)
- Summary judgment for university in highly publicized qui tam action under the federal False Claims Act alleging fraudulent receipt of student aid funding; obtained dismissal of appeal and denial of certiorari after filing brief in opposition requested by U.S. Supreme Court (U.S. District Court, Central District of California)
- Summary judgment for public entity employer on Labor Code section 1102.5 retaliation claim (Los Angeles Superior Court)
- Dismissal of retaliation claim against a law firm by discharged attorney who claimed protections of Fair Housing Act, dismissal upheld by Ninth Circuit Court of Appeals (U.S. District Court, Northern District of California; Ninth Circuit Court of Appeals)
- Dismissal of wage and hour class action against public entity employer based on Constitutional immunity (U.S. District Court, Southern District of California)
- Successfully opposed class certification in overtime class action involving software engineers
- Obtained a \$600,000 writ of attachment against former executive based on travel and expense abuses
- Defense counsel in several statewide class actions based on alleged violations of California Labor Code and Private Attorneys’ General Act
- Numerous favorable settlements of wage and hour class actions involving misclassification and/or meal and rest breaks
- Expert witnesses on employment litigation issues

Selected Speaking Engagements

Fred is a popular public speaker on employment-related issues. Recent speaking engagements include:

- *Demystifying the California Fair Pay Act*, National Human Resources Association (Silicon Valley Chapter), Palo Alto, April 2017
- *Wage-ing War: Developments in Overtime and Pay Equity*, 13th Annual Labor & Employment Advanced Program (LEAP), Las Vegas, March 2017
- *California: Litigation Here We Come!*, 13th Annual Labor & Employment Advanced Program (LEAP), Las Vegas, March 2017
- *It’s a New World in Washington, DC: What California Employers Need to Know*, Quarterly HR Leaders Symposium, San Diego, March 2017
- *Conducting a Gender Equity Compensation Audit*, SHRM San Diego Law Day, January 2017 (11th consecutive SHRM Law Day presentation)
- *Top 10 Labor and Employment Mistakes*, CALPELRA Annual Conference, November 2016
- *How To Conduct A Gender Equity Audit*, PPSC Annual Employment Law Update Seminar, October 2016
- *The California Fair Pay Act*, PPSC Annual Employment Law Update Seminar, October 2016
- *Wage & Hour Settlements: Best Practices and Effective Strategies for Settling Class and Collective Actions*, American Employment Law Council national conference, Naples FL, October 2016
- *California Employment Law Update: Key HR Compliance Issues for Multi-State Employers*, Business Management Daily national webinar, August 2016
- *Pay Equity and Compensation Discrimination: Staying Ahead of the Curve*, ACI Employment Discrimination Litigation Conference, Chicago, July 2016
- *New Federal Overtime Rules: What Now? – The California Perspective*, ADP Client Seminar, June 2016
- *The California Fair Pay Act and the EEOC’s Pay Data Initiative: What Now?*, San Diego County Bar Association Labor & Employment Section, April 2016
- *The California Fair Pay Act: A New Chapter in Pay Equity*, 2016 HR Leaders Symposium, March 2016
- *California: Litigation Here We Come!*, 12th Annual Labor & Employment Advanced Program (LEAP), Las Vegas, March 2016
- *The California Fair Pay Act: A Deep Dive*, SHRM San Diego Law Day, January 2016
- *Employees on the Move: Dealing with Employee Mobility*, PPSC Summer Series Seminar, July 2015
- *What’s Happening in California?*, 11th Annual Labor & Employment Advanced Program, Las Vegas, April 2015
- *General Counsel’s Employment Law Toolkit*, Association of Corporate Counsel, March 2015
- *How Did We Get Here? A Historical Perspective on California Employment Law*, SHRM San Diego Law Day Keynote Address, January 2015
- *Employee Mobility Wars*, PPSC Annual Employment Law Seminar, November 2014
- *Dealing With Misclassified Employees Under the FLSA: What Employers Should Do*, National Webinar for Practical Law and the Wage & Hour Defense Institute, October 2014
- *Point/Counterpoint*, Perspectives of Employee’s and Employer’s Counsel on Leaves of Absence and Accommodation Issues, SHRM Law Day, January 2014
- *Avoiding Misclassification Claims*, American Conference Institute, San Francisco, October 2013
- *Exploring Employment Practices Liability Insurance*, San Diego County Bar Association, March 2013

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- *Point/Counterpoint, Perspectives of Employee's and Employer's Counsel on Employment Claims*, SHRM San Diego Law Day, January 2013
- *Disability Accommodation and Leave Management*, 2012 CALPELRA statewide conference, December 2012
- *Legitimate Whistleblower or Disgruntled Employee? Dealing Effectively With Both*, 2012 CALPELRA statewide conference, December 2012
- *Managing the Most Difficult Disability Issues*, SHRM Law Day, January 2012
- *Privileges and Immunities*, 2011 CALPELRA statewide conference, November 2011
- *Recent Developments in Disability Discrimination Law in California*, Webinar for the California State Bar Labor & Employment Section, June 2011