



Kacey Riccomini

Partner

Los Angeles
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PRACTICES

- Business Litigation
- Labor & Employment Litigation
- Complex and Class Actions
- Real Estate Litigation
- Appellate
- Professional Liability
- Construction Defect
- Automotive
- Financial Services
- Information Technology
- Manufacturing

EDUCATION

- Loyola Law School, Los Angeles, J.D., Cum Laude, Order of the Coif, 2013
- Loyola Marymount University, English & Political Science, Cum Laude, 2010

EMPLOYMENT

- Thompson Coburn LLP Partner, 2022-Present Associate, 2017-2021
- Chapman, Glucksman, Dean, Roeb & Barger Associate, 2013-2017
- Judicial Intern to the Honorable Richard Fruin 2012

Kacey Riccomini is a dynamic employment lawyer and litigator who creates and executes smart strategies to resolve complex disputes. She advises members of Fortune 500 and large privately held companies, as well as smaller businesses and individuals.

Aggressive, focused, and methodical, Kacey handles complex litigation and employment-related disputes while staying practical and consistent with clients' business objectives. Kacey prevails in state and federal courts at all stages of litigation, including trial and appeal, and successfully arbitrates and mediates cases before the AAA, JAMS, and other dispute resolution agencies.

Kacey represents businesses and employers across many industries including automotive, banking, commercial leasing, construction, fashion, financial services, hospitality, legal, manufacturing, nonprofit, pharmaceutical, public transit, real estate, restaurant, telecommunications, and transportation. She is experienced with defending employers in wage and hour class actions, PAGA issues, discrimination claims and other employment-related disputes. She also helps clients ensure they follow state, local and national employment and labor laws, including updates to policies and training. She is a talented writer who crafts articles on many legal topics for professional publications. She also serves on the editorial boards for two publications, *Bender's Labor & Employment Bulletin* and *Bender's California Labor & Employment Bulletin*.

Before joining Thompson Coburn, Kacey was an associate at a California-based law firm where her practice focused on professional liability for accountants and business managers, construction defect litigation for builders and developers, catastrophic and personal injury defense for businesses and individuals, and insurance defense.

Presentations

- "Everything Employment Attorneys Need to Know About Political Speech and Social Media in the Workplace," Beverly Hills Bar Association, September 30, 2024

COMMUNITY

- Bender's Labor & Employment Bulletin, Editorial Board, 2021-Present
- Bender's California Labor & Employment Bulletin, Editorial Board, 2021-Present
- Beverly Hills Bar Association, Labor & Employment Executive Committee
- ProVisors

RECOGNITIONS

- Super Lawyers, Rising Star
 - 2020-2023
- Law Fellow
 - University of California, Los Angeles, 2009

ADMISSIONS

- California
- California USDC, Central District
- California USDC, Eastern District
- California USDC, Northern District
- California USDC, Southern District
- US Ct Appeals, 9th Circuit (AZ, CA, HI, ID, MT, NV, OR, WA, Guam, M. Isles)

AFFILIATIONS

- American Bar Association
- Beverly Hills Bar Association
- Century City Chamber of Commerce, Women's Business Council
- Los Angeles County Bar Association
- Women's Law Association of Los Angeles

Experience

• Labor & Employment Litigation

Obtained a complete defense judgment at trial in San Bernardino Superior Court against the Labor Commissioner and a former employee asserting wrongful termination, disability discrimination, and wage and hour claims arising from employee's contention that hours of daily breaks should have been compensated.

Achieved a complete defense judgment in arbitration before AAA in Los Angeles against an employee seeking over \$10 million for physical and mental disability discrimination claims.

Obtained a complete defense judgment in arbitration before AAA in Los Angeles against a former employee asserting wrongful termination and mental disability discrimination claims.

Secured terminating sanctions and a complete defense judgment against an employee asserting sexual harassment, assault, discrimination, and wage and hour claims before JAMS in Los Angeles.

Achieved dismissal of claims before the Labor Commissioner against an employee asserting claims for unpaid commissions.

Obtained a walk-away before AAA in Los Angeles from an employee asserting pregnancy disability, discrimination, and wage and hour claims through deft cross-examination and subsequent threats of sanctions.

• Business Litigation

Secured defense and award of over \$500,000 in terminating sanctions in Orange County Superior Court for real estate investment trust client facing millions of dollars in potential liability due to plaintiff's falsified business and accounting records.

Successfully defended and prosecuted claims on behalf of limited partner in dissolution action in Los Angeles Superior Court.

• Complex & Class Actions

Through targeted motions, obtained early dismissal of individual wage and hour claims, and favorable settlement of additional employee and consumer class action claims by leveraging mutuality of employee's pleaded attorney's fees provision in Los Angeles Superior Court.

Obtained favorable settlements of class action wage and hour and Private Attorneys General Act claims in Orange County, Sacramento, and Los Angeles counties.

Obtained favorable and nuisance value settlements of discrimination, harassment, and retaliation claims in Los Angeles, Orange, San Bernardino and other counties through aggressive litigation strategies.

• Real Estate Litigation

Obtained favorable settlement for seller regarding enforcement of purchase agreement with respect to a large residential development in San Bernardino County.

Attained favorable judgments and settlements in prosecution and defense of commercial landlords and tenants in Los Angeles, San

Francisco, and Los Angeles counties.

- **Construction Defect**

Successfully defended construction defect claims on behalf of builders and developers and obtained indemnity from subcontractors, including in complex multi-party and class action suits in Los Angeles, Orange, San Bernardino, and San Diego counties.

Negotiated favorable pre- and post-lawsuit settlements of construction defect claims on behalf of commercial and residential builders and developers throughout California.

- **Appellate**

Obtained favorable appellate decision upholding court order denying motion to compel English-only arbitration agreement against client purchaser of large residential property on behalf of non-English speaking, elderly clients in Los Angeles County.

- **Professional Liability**

Successfully defended accountants and attorneys in professional negligence actions, through targeted motions, including motions for sanctions, in Los Angeles, Orange, and Ventura counties.

Negotiated favorable and nuisance-value settlements of professional negligence claims for accountants and attorneys through aggressive litigation tactics in Los Angeles, Orange, and Ventura counties.

Publications

- Co-Author, "Reminder: Employers May Be Held Liable for Employee's Posts on Social Media" *Bender's Labor & Employment Bulletin*, October 2024
- Co-Authored, "Understanding the New California Indoor Heat Illness Prevention Regulations" *Bender's California Labor & Employment Bulletin*, October 2024
- Quoted, "Politics in the workplace can become a nightmare for employers," *Legal Dive and Construction Dive*, October 2024
- Authored, "Workplace political speech and social media: Key pitfalls for employers and employees," *Daily Journal*, August 7, 2024
- Co-Authored, "Federal Court Strikes Down NLRB's Joint -Employer Rule," *Bender's Labor & Employment Bulletin*, May 2024
- Co-Authored, "Employers Must Pay Arbitration Fees on Time or Risk Cancellation of the Arbitration," *Bender's California Labor & Employment Bulliten*, May 2024
- Co-Authored, "2024 Employment Leave Laws in Illinois, New York, California, and Minnesota," *Bender's Labor & Employment Bulletin*, March 2024
- Authored, "NLRB Establishes New Standard for Determining Joint Employer Status," *Bender's Labor & Employment Bulletin*, January 2024
- Authored, "What Companies Need to Know About California's

Workplace Violence Prevention Law," *Today's General Counsel*, December 29, 2023

- Authored, "California Court of Appeal Clarifies That Employees' Pandemic-Era Work-From-Home Expenses Must Be Reimbursed by Employer," *Bender's California Labor & Employment Bulletin*, November 2023
- Authored, "NLRB Establishes New Standard For Evaluating Workplace Rules That Interfere With an Employees' Rights," *Bender's Labor & Employment Bulletin*, October 2023
- Authored, "Corporate fraud may leave investors holding the bag while their pockets are emptied," *Los Angeles Daily Journal*, September 25, 2023
- Quoted, "California Bill Targets Workplace Violence," *SHRM*, September 27, 2023
- Quoted, "California SB 553 impact on small businesses" *KNX News 97.1 FM*, August 2023
- "Smash and grabs and other crimes mean more work for employers", *Los Angeles Daily Journal*, August 2, 2023
- The California Court of Appeal Accepts the U.S. Supreme Court's Invitation to Clarify PAGA in *Galarsa v. Dolgen California, LLC* *Bender's California Labor & Employment Bulletin* May 2023
- Ninth Circuit Declares Amazon Security Checks Non-Compensable *Bender's Labor & Employment Bulletin* May 2023
- California's Consumer Privacy Act Now Applies to Employees' Personal Information *Bender's California Labor & Employment Bulletin* April 2023
- FTC Proposed Sweeping New Rule Banning Nearly All Non-Compete Agreements in Worker Contracts *Bender's Labor & Employment Bulletin* March 2023
- With AB 2188 California Moves to Protect Employees' Off-Duty Cannabis Use *Bender's California Labor & Employment Bulletin* January 2023
- Los Angeles Superior Court Rejects Boardroom Quotas for Underrepresented Communities in Summary Judgment Decision *Bender's California Labor & Employment Bulletin* October 2022
- Duplicative PAGA Cases May Be Stayed Pending the Outcome of the First-Filed Case *Bender's California Labor & Employment Bulletin* September 2022
- "U.S. Supreme Court gives employers a rare victory in arbitration of PAGA claims" *Los Angeles Daily Journal*, June 2022
- "Appellate Court Conflict: Can PAGA Plaintiffs Intervene and Oppose Settlement in Other Actions?" *Bender's California Labor & Employment Bulletin*, April 2022
- "Employers Should be Mindful of Defined Benefit Plans' Fees and

Investment Options Under ERISA When Selecting Retirement Plans”
Bender's Labor & Employment Bulletin, March 2022

- The Fall of the Joint Employer Rule *Bender's Labor & Employment Bulletin* December 2021 and January 2022
- California Becomes First State to Target Warehouse Distribution Centers for Productivity Quotas *Bender's California Labor & Employment Bulletin* December 2021
- 9th circuit Finds "paramour preference" does not violate Title VII *Los Angeles Daily Journal* October 2021
- FEHA Quid Pro Quo Harassment Claims for Failure to Promote Accrue When the Aggrieved Employee Knew or Should Have Known of the Employer's Decision Not to Promote Them *Bender's California Labor & Employment Bulletin* October 2021
- Heightened Scrutiny Applies to Post-Certification Class Action Settlements In Addition to Pre-Certification Class Action Settlements *Bender's Labor & Employment Bulletin* September 2021
- 9th Circuit Decision Highlights the “Don'ts” Of Drafting Employment Arbitration Agreements *Los Angeles Daily Journal* August 2021
- Conflict Among the Circuits: Are Websites Places of Public Accommodation Under the Americans With Disabilities Act *Bender's Labor & Employment Bulletin* June 2021
- PAGA 2020 Developments *Bender's California Labor & Employment Bulletin* April 2021
- Employees Must Receive Premium Pay For Meal Break Rounding Violations *Los Angeles Daily Journal* March 2021
- What Employers Need to Know About Mandatory COVID-19 Vaccines and Exceptions *Thompson Coburn LLP* February 2021
- California Employers Must Provide Notice to Employees Of COVID-19 Exposure and Benefits, Take Safety Measures to Prevent COVID-19's Spread *Bender's Labor & Employment Bulletin* December 2020
- AB 685 Requires Employers to Provide Notice of COVID-19 Exposure *Los Angeles Daily Journal* September 2020
- Return to Work Issues Amidst the COVID-19 Pandemic: A Comparison of California and Federal Law *Bender's Labor & Employment Bulletin* June 2020
- 24 Tips for Drafting Employment Arbitration Agreements *Bender's Labor & Employment Bulletin* May 2020
- 23 tips for drafting employment arbitration agreements *Thompson Coburn LLP* December 2019
- Drafting Employment Arbitration Agreements *Los Angeles Daily Journal* November 2019
- High Stakes: Arizona Law Prohibiting Discrimination in Employment Against Medical Marijuana Cardholders May Trigger Review of Drug

Testing Policies *Bender's Labor & Employment Bulletin* April 2019

- Reconciling California State and Federal Court Decisions: What Employers Need to Know About Production-Based Compensation Plans *Bender's Labor & Employment Bulletin* January 2019