



Fred M. Plevin

Managing Partner
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PROFESSIONAL EXPERIENCE

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

EDUCATION

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

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

Fred Plevin has specialized in serving employers throughout California for 25 years. His practice consists of defending employment claims for private and public sector clients, providing advice and counsel regarding a wide variety of employment-related issues, and conducting management training. He also has served as Managing Partner of Paul, Plevin since establishing the firm in 1998.

Mr. Plevin has defended hundreds of employment cases for diverse clients such as the University of California, numerous California Superior Courts, Gateway, Qualcomm, Biogen Idec, LensCrafters, Mitchell International, Chapman University and Pacific Western Bank. Mr. Plevin has an excellent record in jury trials of employment matters including sexual harassment, employment discrimination, wrongful termination, fraud and related claims. He also has extensive experience in other employment-related claims in state and federal court, including trade secrets disputes and wage and hour class actions.

Mr. Plevin applies his litigation experience to counsel California employers on the day-to-day issues that confront them. He advises employers on a wide variety of matters, including discipline and terminations, layoffs, wage/hour and leave questions, disability issues, the investigation of harassment and other misconduct, executive compensation issues, the adoption and application of employment policies, and employment and severance agreements.

Training is another important part of the firm's practice. Mr. Plevin regularly provides employment-related training, and has developed a seminar entitled "Seven Habits of the Frequently Sued Manager" that is popular with several leading San Diego companies.

Mr. Plevin is a frequent speaker on human resources issues to groups such as the Society for Human Resources Management, the Compensation and Benefits Association, the Association of Independent California Colleges and Universities, the American Corporate Counsel Association, and the California Public Employers Labor Relations Association.

Since 2005, Mr. Plevin has been selected by his peers to be included in *The Best Lawyers in America*, one of just a handful of San Diego employment attorneys that share this honor. He has also been listed in *Southern California Super Lawyers* and *The Best of the U.S.* attorney listings since 2007. In 2009, Mr. Plevin was in the top 50 *Super Lawyers* list for San Diego. He has received Martindale Hubbell's highest peer rating ("AV") for Legal Ability and General-Ethical Standards every year since

1999. Recently, *Best Lawyers* named Mr. Plevin as the "San Diego Best Lawyers Litigation - Labor & Employment Lawyer of the Year" for 2012.

In 2009, Mr. Plevin was invited to become a Fellow of the Litigation Counsel of America, an invitation-only group of accomplished litigators from across the nation. Mr. Plevin is also a charter member of the Wage & Hour Defense Institute, a defense-side, wage and hour litigation group consisting of wage and hour litigators from all 11 federal circuits. He also serves on the Amicus Committee of the Association of Southern California Defense Counsel.

REPRESENTATIVE MATTERS

- Lead counsel 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 verdict in jury trial of court interpreter's claim of age discrimination and fraud
- Defense verdict in jury trial of Iranian research scientist's claim of national origin discrimination
- Defense verdict in bench trial of race and discrimination claims by Employee Relations Manager of a superior court
- Defense verdict in jury trial of "hiring fraud" and Labor Code section 970 claims by a bank executive
- Defense verdict in jury trial of claims of hostile environment sexual harassment and gender discrimination by retail employee
- Partial defense verdict in jury trial of claims of gender and age discrimination and retaliation in tenure denial of University professor
- Summary judgment for public entity in disability discrimination claim by bi-polar employee terminated for making threats
- Summary judgment for private university client in highly publicized qui tam action under the federal False Claims Act alleging fraudulent receipt of student aid funding
- 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
- Successful trial of scientific misconduct charges to University Privilege and Tenure Committee and successful defense of related writ proceeding
- Numerous favorable settlements of wage and hour class actions involving misclassification and/or meal and rest breaks

- Summary judgment for employer in claims of breach of employment contract, national origin discrimination and harassment, and retaliation
- Summary judgment for public entity employer on race and age discrimination claim based on a refusal to hire
- Summary judgment for public entity employer on Labor Code section 1102.5 retaliation claim
- Dismissal of University professor's wrongful termination claim based on unsuccessful writ of mandate challenge to personnel action
- Dismissal of wage and hour class action against public entity employer based on Constitutional immunity
- Representation of employer in unfair labor practice proceedings on appeal to the National Labor Relations Board and in connection with representation election
- Development and preparation of employment agreement for Chief Executive Officer of pre-IPO technology company
- Training of management on issues of harassment, discrimination, and avoiding employment lawsuits
- Advice on employment issues arising from merger of public companies
- Advice on corporate-wide layoff for national company with operations in several states

SELECTED SPEAKING ENGAGEMENTS

- How to Use Public Sector Litigation Immunities and Privileges to Your Advantage (CALPELRA Annual Training Conference, November 2011)
- Recent Developments in Disability Discrimination Law in California (webinar for the California State Bar Labor & Employment Section, June 2011)
- Litigation Holds and Electronically Stored Information (American Corporate Counsel Assoc. - April 2011)
- Accommodating Mental Disabilities (SHRM Law Day) - January 2011
- Seven Habits of Frequently Sued Managers (2010 CALPELRA state-wide conference)
- Employee Privacy and Other Hot Button Issues Arising From the Era of Social Media (SHRM Law Day) - January 2010)
- Investigating Employee Misconduct: Special Issues for Public Employers (2009 CALPELRA state-wide conference)
- Layoffs Without Lawsuits, (with Lee, Hecht, Harrison - April 2008; SHRM Law Day - January 2009)
- Dealing with Misclassified Employees (for SHRM Law Day) - January 2008
- Leave of Absence "Boot Camp" (for SHRM San Diego and American Corporate Counsel Assoc.) - January and May 2007
- Investigating Employee Misconduct (for American Corporate Counsel Assoc.) - May 2006

- 2003 - 2008, 2011 annual Employment Law Update (for San Diego Compensation and Benefits Association)
- Conducting Internal Investigations (for SHRM Law Day) - February 2006
- Complying the State and Federal Background Check Laws (for Association of Independent California Colleges and Universities) - December 2005
- The Ten Most Common Employment Law Mistakes (for SHRM San Diego) - January 2005