

Kathryn B. Fox

San Diego, California
Senior Counsel

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Areas of Practice & Industry Specialties

Labor & Employment; Litigation; Trade Secrets & Employee Mobility;
Class Actions; e-Discovery; Franchise Law



Kathryn B. Fox is a member of the Labor & Employment practice group and Vice-Chair of the Franchise Law industry group in Buchalter's San Diego office. Ms. Fox advises employers on litigation avoidance and provides counseling on workplace law matters. She has experience representing clients in single-plaintiff cases involving allegations of discrimination, harassment, retaliation, wrongful termination, and wage and hour issues. She also routinely advises and represents clients in class action and representative PAGA cases involving wage-and-hour allegations, including failure to pay regular and overtime wages, meal period and rest break violations, misclassification issues, piece-rate pay agreements, and reimbursement claims. Her representation of clients includes defending actions in state and federal court, in arbitrations, before the EEOC, DFEH, DLSE and EDD, and in mediation. Ms. Fox also provides trainings to clients on workplace privacy issues, preventing workplace harassment, and best practices for complying with California wage and hour laws.

Ms. Fox has been named a 2021-2024 "One to Watch" by *Best Lawyers* for her work in Labor and Employment Law: Management and Litigation. Ms. Fox was also recognized as a 2021 "Rising Star" by *Super Lawyers Magazine*.

Highlights of Ms. Fox's work include:

- Second-chaired a multi-week jury trial defending a national startup company against claims of fraud and false promise, resulting in a unanimous defense verdict.
- Obtained summary judgment for national retailer and two individuals facing eleven causes of action, including claims for age and disability discrimination, harassment, retaliation, failure to engage, failure to accommodate, negligent supervision, breach of implied contract, and intentional infliction of emotional distress.
- Obtained summary adjudication of claim brought by former city councilmember alleging infringement of his civil rights and race discrimination.
- Obtained summary judgment on behalf of private school and church facing allegations of misconduct by a former teacher.
- Successfully obtained a full dismissal of all claims against a large biotech company after filing demurrers and minimal discovery.
- Obtained summary judgment for a large trucking client facing allegations of disability-based association discrimination, harassment and retaliation; age discrimination, harassment and retaliation; retaliation for engaging in protected activities; wrongful termination and declaratory relief.
- Successfully obtained an order that a plaintiff who lost on summary judgment pay the client's statutorily recoverable costs expended defending the action.
- Obtained summary judgment for three defendants (two companies and the plaintiff's manager) in a case involving allegations of age discrimination, wrongful termination, intentional infliction of emotional distress

and breach of implied contract.

- Negotiated and resolved several employment matters involving claims of discrimination, harassment, retaliation, wrongful termination, wage and hour issues, and other claims under the California Fair Employment and Housing Act and California Labor Code.
- Resolved many claims pre-litigation through negotiations with opposing counsel, thus avoiding litigation.
- Provided advice and counsel to clients on employee terminations and discipline, employee handbooks, and various employer policies and practices.

Publications

- National Labor Relations Board Publishes Final Rule Significantly Expanding Definition of Joint Employer, *Buchalter Client Alert*, October 26, 2023
- California's AB 51, Which Sought to Ban Mandatory Arbitration Agreements, Is Preempted by the Federal Arbitration Act, *Buchalter Client Alert*, February 16, 2023
- Staying in the FAST Lane: An Overview of New 2023 Employment Laws for California Franchisors and Franchisees, *Buchalter Client Alert*, February 13, 2023
- President Biden Signed into Law the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act, *Buchalter Client Alert*, March 3, 2022
- Are You My Employer?, *Buchalter Client Alert*, March 2, 2022
- Congress Passes the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act, *Buchalter Client Alert*, February 10, 2022
- Buchalter Client Alert COVID-19: Considerations for Employers Bringing Employees Back to Work in the Wake of the COVID-19 Pandemic, *Buchalter Client Alert*, May 11, 2020
- Buchalter Client Alert COVID 19: Department of Labor's New Regulations and Guidance on the Family First Coronavirus Relief Act ("FFCRA"), *Buchalter Client Alert*, April 10, 2020

Presentations

- Presenter, "New Wage and Hour Cases and Laws," Pincus Professional Education, January 18, 2024
- "Buchalter Labor & Employment 2023 Seminar," Smart Center , October 25, 2023
- Presenters, "Diversity Pipeline Program," Petco Park, June 28, 2023
- Presenters, "Kathryn B. Fox and Hillary M. Dorne, Presenters at the Emerson Experience in Entrepreneurship (E3)," Emerson Experience in Entrepreneurship , January 23, 2023
- Speaker, "Dealing with Warlocks and Witches: Responding to Allegations of Harassment, Discrimination and Retaliation; with Updates in Pay Equity," Buchalter's San Diego Labor & Employment Seminar, October 24, 2019
- Speaker, "Let it Breathe! Responding to Allegations of Harassment, Discrimination and Retaliation; Updates in Pay Equity," Buchalter's Napa Labor & Employment Seminar, September 26, 2019
- Speaker, "Buchalter Hosting New Year's Resolutions for California Employers," 655 West Broadway, 1st Floor, San Diego, CA 92101, December 11, 2018
- Speaker, "Women on Corporate Boards and Other Issues of Corporate Governance," San Diego HR Forum, December 4, 2018

Education

Ms. Fox earned her J.D. with a concentration in Labor & Employment Law *with honors* from California Western School of Law. During law school she was a recipient of an American Jurisprudence Award in Legal Drafting. Ms. Fox earned her B.A. in Political Science with a Minor in Law & Society from the University of Southern California.

Bar Admissions

- California
- Texas

Court Admissions

- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Northern California of California
- U.S. District Court for the Eastern California of California

Community

- IFA Member and Co-Chair of IFA's Women's Franchise Network Southern California Chapter (November 2022-Present)
- North San Diego Business Chamber, Emerging Leaders Network – Advisory Council Member (June 2019-June 2023), Co-Chair (July 2021-June 2023)
- San Diego County Bar Foundation, Board Member (2016-2021); Secretary (2018-2021)
- San Diego Women's Week 2020, Strategy Team Member
- Guardianship Clinic at San Diego Volunteer Lawyer Program, provided pro bono legal services
- Association of Corporation Counsel (ACC), Member
- Society for Human Resource Management (SHRM), Member
- San Diego County Bar Association, Member