

## 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; 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 2021-2023 "One to Watch" by *Best Lawyers* for her work in Labor and Employment Law: Management. 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.
- 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.

### Publications

- 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**

- 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.

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### **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
- North San Diego Business Chamber, Emerging Leaders Network – Advisory Council Member (June 2019-Present), Co-Chair (July 2021-Present)
- San Diego County Bar Foundation, Board Member (2016- Present); Secretary (2018-Present)

- 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