



## Rebecca K. Kimura

### Member

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### Profile

**Rebecca is a strong advocate for her clients and has successfully litigated in federal and state courts and in arbitration proceedings. She also provides advice and counseling to companies, colleges and universities in all aspects of employment law and education law.**

Rebecca is a member in the firm's labor and employment practice and higher education practice, and has extensive experience in all aspects of civil defense litigation and appellate work, with an emphasis on employment matters. She has defended employers, including higher education institutions, in wage and hour class actions, and claims involving discrimination, harassment, retaliation and wrongful termination in state and federal court as well as in arbitration. She has also litigated actions brought under the Employee Retirement Income Security Act (ERISA) and practiced in the area of employee benefits and executive compensation. In addition to litigation, Rebecca also provides advice and counsel to clients in all areas of employment law and education law. She currently represents many colleges and universities in all aspects of education law, including faculty tenure and promotion, termination, governance issues, student affairs and academic affairs. She has recently served as Interim General Counsel for a university.

Prior to joining the firm, Rebecca was an attorney at Putney, Twombly, Hall & Hirson LLP and before that was an attorney at an employment litigation boutique in San Francisco, California, where she represented primarily Fortune 100 companies. She started her legal practice at the ACLU Children's Rights Project, in New York, and later with Children's Rights, Inc. Rebecca is admitted to practice in New York and California courts.

### Honors & Affiliations

- Bar Association of San Francisco, Executive Committee Member of the Litigation Section
- National Association of Minority & Women Owned Law Firms, Sponsorship Committee Member
- National Employment Law Council, Member
- Korean American Lawyers Association of Greater New York, Member
- Connecticut Asian Pacific American Bar Association, Member
- National Asian Pacific American Bar Association, Member

### Education

- Cornell Law School (J.D.)
- Barnard College, Columbia University (B.A., *cum laude*; *Honors in Economics*)

### Bar/Court Admissions

- New York
- California
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of California
- U.S. Court for the Southern District of California
- U.S. District Court for the Eastern District of California
- U.S. Court of Appeals for the Ninth Circuit

### Practices

- Labor and Employment
- Higher Education
- Class and Collective Action Litigation

- National Association of College and University, Member

## Representative Matters

- Serves as Interim General Counsel for a university.
- Provide general advice and counseling to higher education clients.
- Currently defending higher education clients in federal and state court actions involving disability discrimination and race claims.
- Currently defending higher education clients in cases involving denial of tenure or non-renewal of academic contracts.
- Successfully defended large private university in race and national origin discrimination case, achieving dismissal of claims.
- Resolved pay equity disputes brought against higher education clients.
- Represented college and universities in union arbitrations.
- Negotiated a favorable settlement on behalf of a national private company in a mass arbitration campaign brought by former workers, seeking liquidated damages for alleged wage and hour violations.
- Successfully represented plan administrator in benefits litigation under the Employee Retirement Income Security Act (ERISA), resulting in a published opinion, *Alvis v. AT&T Integrated Disability Service Center*, 377 Fed.Appx. 673 (9th Cir. 2010)
- Negotiated a favorable settlement on behalf of a national company in a mass arbitration campaign brought by former workers, seeking liquidated damages for alleged wage and hour violations
- Successfully represented plan administrator in benefits litigation under the Employee Retirement Income Security Act (ERISA), resulting in a published opinion, *Alvis v. AT&T Integrated Disability Service Center*, 377 Fed.Appx. 673 (9th Cir. 2010)

## Class Action:

- *Goodman v Burlington Coat Factory*, 11-cv-4395 (D.N.J.) (wage and hour class action concerning alleged misclassification of assistant store managers)
- *Pustilnik v Premier Home Health Care Services*, No. 155081/2016 (N.Y. Cnty Sup. Ct) (wage and hour class action concerning 24-hour shifts and other wages)
- *Ivy v. Jiffy Lube International*, No. RG9459032 (Alameda Super. Ct.) (wage and hour class action alleging misclassification of store managers). Class certification denied, and affirmed on appeal, *Ivy v. Jiffy Lube International*, 2012 WL 3800761 . (Cal. Ct. App., Sept. 4, 2012)
- *Henderson v. Equilon Enterprises* (Shell Oil), No. MSC10-2259 (Contra Costa Sup. Ct.) (wage and hour class action alleging misclassification by joint employer). Summary Judgment granted to Shell Oil, and affirmed on appeal, *Henderson v. Equilon Enterprises*, 40 Cal.App.5th 1111, 1114 (2019)
- *Saliani v. Bay Area Toll Authority, et al.*, No. CGC-14-540384 (San Francisco Super. Ct.) (class action alleging due process and statutory violations regarding collection of tolls and penalties)

## Representative Presentations

- The AI Campus: Integrating AI into Higher Education, AI Summit, New York City Bar Association, 2024
- Annual Labor Law Seminar, Greater New York Automotive Dealers Association, 2022, 2023
- Workplace Event, Bond, Schoeneck & King PLLC, 2023
- Breakfast Briefing, Managing the Struggling Employee, Bond, Schoeneck & King PLLC, Fall 2023
- Breakfast Briefing, Managing Through the Current Labor Staffing Shortage, Bond, Schoeneck & King PLLC, Fall 2023
- An Interview with Rebecca Kimura, Labor and Employment, Legally Bond Podcast, June 7, 2021