

# John T. Kennedy

Partner | Sacramento

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John Kennedy specializes in complex business litigation with an emphasis in employment law. He also specializes in administrative law representing individuals and entities before quasi-judicial administrative tribunals, e.g., the State Personnel Board, and the Office of Administrative Hearings. John represents public and private entities in state and federal courts, administrative tribunals, and through alternative dispute resolution mechanisms such as binding arbitration and mediation.

In addition to his litigation experience, John counsels and advises both public and private employers regarding a broad array of matters including public disclosure of information, the Brown Act, and employment matters. Among others, he provides these services to the California Office of the Legislative Counsel, the California Assembly Rules Committee, and the Sacramento County Employees' Retirement System. Employment advice and consultation is given in areas including personnel policies and procedures, discipline and termination, the Americans with Disabilities Act and California's counterpart, wage and hour issues, leave issues, privacy issues, trade secret protection, discrimination, harassment and retaliation, and workplace violence issues.

John also provides sexual harassment prevention and other training seminars to employers, their supervisors, and staff. He is AV Preeminent® Peer Review Rated by Martindale-Hubbell.

## EXPERIENCE

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***Sonoma County Employees' Retirement Assn. v. Superior Court.*** Defended against Public Records Act request seeking individual names and pensions paid to retirees.

***Sacramento County Employees Retirement System v. Superior Court.*** Defended against Public Records Act request seeking individual names and pensions paid to retirees.

***The Sacramento Bee v. California Public Employees' Retirement System.*** Defended against Public Records Act Request seeking details of alternative investments.

***Employment Matter.*** Represented Fire Protection District investigating employee misuse of computer and successfully defended District's termination of employee for viewing salacious images on District computers.

***Disability Retirement Matters.*** Represented Sacramento County Employee's Retirement System on several administrative hearings before the Office of Administrative Hearings in which retirees seek enhanced disability retirement and/or service-connected disability retirement benefits.

**Rewards Network, Inc. v. Borge, et al.** Defense of new employer in lawsuit brought by former employer alleging former employee violated the Computer Fraud and Abuse Act, misappropriated trade secrets, breached his contract, and unlawfully interfered with his former employer's business relations.

**Teachers' Retirement Bd. V. Genest.** Defended state's effort to attempt to reduce state payment to public retirement fund.

**Moore v. State of California.** Represented defendant employer in discrimination, harassment and retaliation lawsuit by former employee.

**Lais, et al. v. The Permanente Medical Group, Inc., et al.** Represented defendants sued by shareholder for, among other things, breach of contract, age discrimination, denial of due process and wrongful termination.

**Crandall v. Esten, et al.** Defeated plaintiff's defamation, violations of the Public Safety Officers' Procedural Bill of Rights, invasion of privacy and deprivation of due process claims against state employer and individual defendants by summary judgment.

**McCullough v. California Department of Corrections.** Plaintiff held a high ranking career executive assignment in this state agency. When the assignment was withdrawn due to a lack of competence, plaintiff sued for disability, religious and sex discrimination in the form of retaliation, emotional distress, and wrongful termination. This lawsuit was defeated by summary judgment.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "What to Do When #MeToo Hits Your Public Retirement Board and System," National Association of Public Pension Attorneys' 2018 Legal Education Conference, Savannah, GA, 06.28.2018

Speaker, "#MeToo/Time's UP/It's On Us!!!," State Association of County Retirement Systems 2018 Spring Conference, Anaheim, CA, 05.15.2018

Speaker, "Participating Employer Audits: Continuing and Upcoming Challenges," Nossaman's 2017 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 11.30.2017

Speaker, "Stay Ahead: 2017 Emerging Employment Issues," Nossaman Employment Seminar, San Francisco, Sacramento, Los Angeles & Orange County, CA, 02.2017

Speaker, "Stay Ahead: 2016 Emerging Employment Issues," Nossaman Employment Seminar, 02.2016

Speaker, "California Public Records Act - the Basics," Conference of California Public Utility Counsel Annual Meeting, Monterey, CA, 10.18.2015

Program Co-Chair, "Practical Tips for Protecting Requestor and Public Sector Interests and Resolving Public Records Disputes," Law Seminars International 3rd Annual Seminar on Public Records Act Litigation, Sacramento, CA, 06.10.2015

Speaker, "Stay Ahead: 2015 Emerging Employment Issues," Nossaman Employment Seminar, 02.2015

Speaker, "American Academy of Ophthalmic Executives," American Academy of Ophthalmology, 01.23.2015

Speaker, "Hiring: Maximize the Value of New Hire Acquisition and On-Boarding Efforts," California Employer Resources 8th Annual California Employment Law Update, Oakland, CA, 10.09.2013

Speaker, "Developing Effective Strategies - Protecting Requestor and Public Sector Interests and Reducing Disputes," Law Seminar International, San Francisco, CA, 05.08.2013

Speaker, "California Pension Reform and Other Pension Developments," Fire Districts' Association of California Annual Conference, Napa, CA, 04.04.2013

Speaker, "Disability and Reasonable Accommodation," Nossaman Employment Seminar, 02.2013

Speaker, "Government Ethics Training," Nossaman State and Local Ethics Rules Seminar, Sacramento, CA, 12.12.2012

Speaker, "Discrimination, Harassment, and Retaliation: The Law and Updates," Asian Pacific State Employees Association 2012 Symposium, Sacramento, CA, 11.08.2012

Speaker, "Public Records Act Requests and Pending Litigation," Association of California Water Agencies' 2012 CLE for Water Professionals, Napa, CA, 10.04.2012

Speaker, "Stay Ahead: 2012 Emerging Employment Issues," Nossaman Employment Seminar, 02.2012

Speaker, "HR Essentials: How to Avoid Common Pitfalls," Professionals in Human Resources Association Webinar, 02.03.2012

Speaker, "Elimination of Bias: Professionalism in the Workplace," Association of Corporate Counsel, Sacramento Chapter, Sacramento, CA, 10.15.2009

## **PUBLICATIONS**

Co-Author, "California Supreme Court Gears Up for Showdown Over the Scope of Vested Public Pension Rights," *Nossaman eAlert*, 02.26.2018

Co-Author, "Kirby Clarifies Post-Brinker Attorney Fees," *Daily Journal*, 05.08.2012

Co-Author, "Brinker: The Long and Winding Road Finally Comes to an End," *Daily Journal*, 04.16.2012

## **HONORS & RECOGNITIONS**

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Selected to the Northern California Super Lawyers list, 2004, 2006 and 2014-2016

AV Preeminent® Peer Review Rated by Martindale-Hubbell

## **COMMUNITY & PROFESSIONAL**

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California Bar Association, Litigation and Labor and Employment Law Sections

Sacramento County Bar Association, Environmental, Employment and Administrative Law Sections

Board member, A Touch of Understanding, a non-profit with the mission of encouraging acceptance and respect for individuals with disabilities.

National Association of Public Pension Attorneys

## **PRACTICES**

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Employment

Litigation

Public Pensions & Investments

## **INDUSTRIES**

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Government & Public Sector

## **EDUCATION**

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University of the Pacific, McGeorge School of Law, J.D., 1988, *with distinction*

University of California, Davis, B.A., 1984

## **ADMISSIONS**

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California

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, Eastern District of California

U.S. District Court, Northern District of California