

# KEVIN T. BARNES

## MEDIATION

**Kevin T. Barnes, Esq.**

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Attorney Kevin T. Barnes has been successfully litigating legal disputes for over 35 years and has participated in thousands of mediations and arbitrations. Kevin has tried over a dozen cases to judgment. He brings his trial, arbitration, and mediation experience to Kevin T. Barnes Mediation, resolving employment and business disputes, specializing as a mediator in the following areas:

Class Action Wage & Hour, PAGA, and Fair Labor Standards Act collective actions;  
Individual Wage & Hour disputes;  
Individual discrimination, harassment, and hostile workplace cases;  
Individual wrongful termination claims; and  
Individual business disputes.

### **Multi-State License to Practice Law**

State Bar of California (*Active 1988-Present*)

State Bar of Texas (*Active 2021-Present*)

State Bar of Georgia (*Active 2022-Present*)

### **Other Admitted Jurisdictions:**

United States Supreme Court

United States Court of Appeal, Ninth Circuit

United States District Court- Northern, Central, and Eastern Districts of California

United States District Court- District of Colorado

United States District Court- Fourth Circuit

### **Education**

University of Colorado, Boulder, Colorado (*BS Business 1985*)

Loyola Law School, Los Angeles, California (*Juris Doctor 1988*)

Mediation Certificate (*Straus Institute for Dispute Resolution at Pepperdine University 2013*)

## Experience

### **Los Angeles County District Attorney's Office: Deputy District Attorney (1988)**

#### **Law Offices of Carl D. Barnes (1989-1997)**

*Partner and Lead Trial Attorney for cases involving individual personal injury claims  
Arbitrated, mediated and tried numerous personal injury cases to successful resolution  
Arbitrated and mediated claims for individual employment disputes*

#### **Law Offices of Kevin T. Barnes (1997 to Present)**

*Founder and Managing Partner for Class Action, PAGA and FLSA Wage & Hour cases  
Litigated and mediated numerous Class Action cases to successful resolution  
Tried to verdict 3 Wage & Hour Class Action cases  
Litigated and mediated Unfair Competition and Consumer Protection cases  
Litigated and mediated Individual Wage and Hour cases.  
Litigated, mediated, and tried to verdict Individual Wrongful Termination cases  
Litigated, mediated, and tried to verdict individual Business Dispute cases*

## Significant Trial Verdicts

Mutuc v. Huntington Memorial Hospital (2008) Case No. BC288727  
Awarded Plaintiffs \$32.8 million which led to a \$60 million lump sum settlement

## Significant Appellate Court Decisions

Huntington Memorial Hospital v. Superior Court (2005) 131 Cal.App.4<sup>th</sup> 893 (a landmark decision regarding the manner in which the regular rate must be calculated and what is considered a “subterfuge” to avoid the correct payment of the regular rate and overtime rate);

Tien v. Sup. Ct. (Tenet Healthcare) (2006) 139 Cal.App.4<sup>th</sup> 528 (protecting the interests of putative Class Members in a Wage & Hour case who wanted their identities protected);

Jaimez v. Daiohs USA, Inc. (2010) 181 Cal.App.4<sup>th</sup> 1286 (the criteria required to certify wage statement claims, waiting time penalty claims, and meal and break claims, among other matters);

Williams v. Superior Court (Allstate) (2013) 221 Cal.App.4<sup>th</sup> 1353 (confirms several important legal theories which support class certification regarding commonality);

Cochran v. Schwan’s Home Service, Inc. (2014) 228 Cal.App.4<sup>th</sup> 1137 (one of the first California cases to consider the California Supreme Court decision in Duran v. U.S. National Bank Association (2014) 59 Cal.4<sup>th</sup> 1, holding that plaintiffs can use statistical sampling evidence to establish either liability or damages in a Wage & Hour Class Action case. The Schwan’s opinion is also a seminal case regarding an employer’s obligation to reimburse employees’ business expenses under California Labor Code §2802);

Vaquero v. Ashley Furniture Industries Inc., 824 F.3d 1150, 2016 WL 3190862 (9th Cir. June 8, 2016) (limits the impact of Wal-Mart v. Dukes (2011) 564 U.S. 338 with respect to the issue of commonality, limits the impact of Comcast v. Behrend (2013) 133 S. Ct. 1426 with respect to predominance, and underscores the 9<sup>th</sup> Circuit rule that the need for individualized finding with respect to damages does not defeat Class Certification).

Vaquero v. Ashley Furniture Industries Inc. (2017) 9 Cal.App.5<sup>th</sup> 98 (expands the impact of Bluford v. Safeway Stores, Inc. (2013) 216 Cal.App.4<sup>th</sup> 864 to commissioned employees for the first time; they must be separately compensated for rest breaks).

### **California Supreme Court Decision**

Laffitte v. Robert Half International Inc. (2014) 231 Cal.App.4<sup>th</sup> 860 (Review granted and Opinion *superseded* by Laffitte v. Robert Half Intern. (2015) 342 P.3d 1232) (use of a common fund recovery for attorneys' fees in Class Action cases).

### **United States Supreme Court Decision**

Viking River Cruises, Inc. v. Moriana (2022) 142 S.Ct. 1906 (an employer is entitled to enforce an arbitration agreement with respect to an individual employee who attempted to bring a "representative action" under PAGA and the FAA preempts California precedent that precludes division of PAGA actions).

### **Experienced Class Action Counsel**

For over twenty-five years, Kevin has served as Lead and/or Co-Lead Class Counsel in hundreds of Class Action Wage & Hour cases throughout California.

### **Professional Honors and Awards**

Southern California Super Lawyer (Employment and Labor)  
Daily Journal Top 10 Plaintiff Labor and Employment Lawyers  
Daily Journal Top 75 Labor and Employment Attorneys  
Martindale-Hubbell: Rated AV (Highest possible rating for a lawyer)

### **Speaking Engagements**

As one of the premiere employment lawyers in the industry, Kevin has been invited to speak at numerous conferences and seminars over the years across the State of California.