



→ Jason W. Kearnaghan

Partner
333 South Hope Street
Forty-Third Floor
Los Angeles, CA 90071

T: +1.213.617.5516
F: +1.213.443.2719
jkearnaghan@sheppardmullin.com

Jason Kearnaghan is a partner and Practice Group Co-Leader of the Labor and Employment Practice Group in the firm's Los Angeles office.

Areas of Practice

Jason represents employers in state and federal courts with respect to all facets of employment law, including wrongful discharge, employment discrimination, retaliation, sexual harassment and hostile work environment. A significant portion of his practice is devoted to the defense of complex wage and hour class action litigation. He has experience representing employers in union negotiations, organizing campaigns, elections, union grievance proceedings and unfair labor proceedings. Jason also represents clients before state and federal administrative agencies, such as the Department of Labor, the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, the Division of Labor Standards Enforcement and the National Labor Relations Board.

Prior to joining Sheppard Mullin, Jason practiced business litigation in the healthcare context. His practice included contractual disputes and managed care liability for Fortune 500 healthcare service providers and subsidiaries. He also served in the U.S. Navy Judge Advocate General's Corps as a trial attorney in criminal prosecution.

Honors

- Southern California Rising Star, *Super Lawyers*, 2013

Articles

- Ninth Circuit Affirms Trial Court Victory Impacting the Agriculture Industry
Castle Publications, 08.03.2023
- Co-authored the article "Recent Developments in Medicine and Law" published in the Winter 2005 edition of the *American Bar Association Tort Trial & Insurance Law Journal*

Labor & Employment Law Blog Posts

- "Newly Created NLRB Rules Drastically Change the Process for Unions Seeking Recognition of Most Private Sector Employees in the U.S. and Substantially Limits Employee Voting in Secret-Ballot Election," August 30, 2023

- "NLRB Adopts Volatile New Standard for Evaluating Work Rules," August 4, 2023
- "California Mandates COVID-19 Supplemental Paid Sick Leave for Food Sector Workers," April 17, 2020
- "First Day on the Job and on Notice: When the Statute of Limitations Begins for Employer Background Checks," November 21, 2019
- "U.S. Supreme Court to Decide Class Action Waiver Divide," January 23, 2017
- "Supreme Court Holds That Rest Periods Must Be Free From Duties And Employer Control," January 3, 2017
- "Unpersuasive: Federal Judge Invalidates DOL's New Persuader Rule," November 16, 2016
- "New OSHA Requirements for Employee Involvement and Employer Recordkeeping Take Effect Over the Next Two Months," November 14, 2016
- "Ninth Circuit Invalidates Arbitration Agreement," August 26, 2016
- "Legacy and Grandfathered Agreements are Not Subject to Disclosure Requirements Under the Department of Labor's New "Persuader" Regulations and Interpretation of the "Advice" Exemption," June 23, 2016
- "A Victory For Employers In California Tip Pooling Case", August 13, 2010
- "The California Supreme Court Upholds The Attorney-Client Privilege", December 2, 2009
- "Sheppard Mullin Wins Major Victory in Challenge to 12-Hour Shift Pay Practices", January 3, 2008
- "California Supreme Court Grants Pre-Class Certification Access to Class Member Contact Information", February 21, 2007

Books

California's Private Attorneys General Act (PAGA) – Litigation And Compliance Manual
02.2020

Media Mentions

9th Circ. Says Berry Distributors Not Liable For Farm Wages
Law360, 06.13.2023

Ninth Circuit backs ag marketers in wage case
Farm Progress, 06.13.2023

Workers Lose California 'Client Employer' Liability Case Appeal
Bloomberg Law, 06.13.2023

California 'Client Employer' Wage Law Set for Ninth Circuit Test
Bloomberg Law, 02.09.2023

Six Flags Dodges Trial In Workers' Bid To Revive Wage Claims
Law 360, 06.30.2021

Employers Can Prohibit Talking About Arbitration, NLRB Says
Law 360, 06.23.2020

Dealmakers: Wheel manufacturer wheels into deal with Sheppard Mullin's counsel
Daily Journal, 06.04.2019

Will Los Angeles Teachers' Strike Boost Labor Movement?
Society for Human Resource Management, 02.22.2019

Will Los Angeles Teachers' Strike Boost Labor Movement?
SHRM, 02.22.2019

Bill to put NLRB on ice passes House committee
Daily Journal, 04.11.2013

NLRB recess picks leave disputes in limbo
Daily Journal, 03.13.2013

Speaking Engagements

- "Wage and Hour Laws Seminar," Castle Publications, March 14, 2023
- CalCPA Pasadena, CA Chapter, February 3, 2020
- "Key 2018-19 NLRB Rulings and Reversals Impacting Non-Union and Union Employers," Strafford Webinar, December 3, 2019
- CCWC's 17th Annual Conference: Legislative & Educational Forum, July 17, 2019
- PIHRA Pasadena Mid-Year Legal Update, October 9, 2018
- "Unions and Right-To-Work Employment Post-Janus Decision: Implications for Public and Private Employers," Strafford Webinar, September 18, 2018
- PIHRA Pasadena Mid-Year Legal Update, October 10, 2017
- "Key 2016 NLRB Rulings Impacting Non-Union and Union Employers: Avoiding Pitfalls in an Evolving Legal Environment," March 9, 2017
- PIHRA Pasadena Mid-Year Legal Update, October 11, 2016
- National Association of Healthcare Recruitment Conference, Las Vegas, Nevada, July 14, 2016
- PIHRA Pasadena Mid-Year Legal Update, March 8, 2016
- ALIS Law Conference, Los Angeles, California, January 26, 2016
- PIHRA Pasadena Mid-Year Legal Update, November 10, 2015
- PIHRA Pasadena Mid-Year Legal Update, April 14, 2015
- PIHRA Pasadena Mid-Year Legal Update, November 11, 2014
- PIHRA Pasadena Mid-Year Legal Update, April 8, 2014
- PIHRA Pasadena Mid-Year Legal Update, November 12, 2013
- PIHRA Pasadena Mid-Year Legal Update, May 14, 2013
- PIHRA Pasadena Mid-Year Legal Update, November 13, 2012
- PIHRA Pasadena Mid-Year Legal Update, February 14, 2012
- PIHRA Pasadena Mid-Year Legal Update, July 12, 2011

- PIHRA Pasadena Mid-Year Legal Update, August 10, 2010

Events

Wage-and-Hour Arbitrations in a Post-Adolph World
13th Annual Advanced Wage and Hour Virtual Conference
Virtual, October 26-27, 2023

Law School for the CFO - Getting Back to Work
Presented by the CFO Leadership Counsel
05.27.2020

The Future of NLRB Under the New Administration: Out With The Old and In With The New?
Live Webinar
02.15.2017

Labor & Employment Legal Update & Happy Hour
Fall 2014 Seminar Series - Los Angeles
10.16.2014

Breakfast With Your Labor Lawyer - Los Angeles
Spring 2014 Seminar Series
04.30.2014

5th Annual Employment Law: Beyond the Basics Seminar
Sterling Education Services
10.24.2013

Labor and Employment Law Update and Happy Hour Fall 2013 - Los Angeles
Fall 2013 Seminar Series
Sheppard Mullin LA, 10.22.2013

Breakfast With Your Labor Lawyer Spring 2013 - Los Angeles
Spring 2013 Seminar Series
Sheppard Mullin Los Angeles, 04.16.2013

Employment Basics for Start-Ups
Third Thursday Emerging Company Webinars
WebEx, 11.15.2012

Labor and Employment Law Update & Happy Hour Fall 2012 - Los Angeles
Sheppard Mullin Los Angeles Office, 10.03.2012

Employment Basics For Start-Up Companies
Third Thursday Emerging Company Webinar Series
WebEx, 06.21.2012

Labor and Employment Law Update & Happy Hour Spring 2012 - Los Angeles
Sheppard Mullin Los Angeles Office, 04.19.2012

Breakfast With Your Labor Lawyer - Los Angeles
Labor & Employment Law Update Fall 2011
Sheppard, Mullin, Richter & Hampton LLP, 09.21.2011

Labor & Employment Law Update & Happy Hour - Los Angeles
Sheppard Mullin - Los Angeles, 03.08.2011

Labor & Employment Law Update & Happy Hour - Los Angeles
Our New, Improved, and FREE Breakfast With Your Labor Lawyer (in the Evening!)
Sheppard Mullin - Los Angeles, 09.22.2010

California's Mandatory Sexual Harassment Training Webinar
Help Your Company Meet the Requirements of AB 1825
WebEx, 08.18.2010

Practices

Labor and Employment
Labor Union Management Relations
Healthcare
Litigation
Class Action Defense

Industries

Cannabis
Food and Beverage
Healthcare
Hospitality
Retail, Fashion & Beauty
Transportation

Education

J.D., University of San Diego School of Law, 1999
B.A., University of California, Santa Barbara, 1995

Admissions

California
Minnesota
U.S. Supreme Court

U.S. District Court, Central, Eastern, Northern and Southern Districts of California
U.S. Court of Appeals, District of Columbia