



Garrett David Kennedy

Partner

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Garrett Kennedy represents employers and senior executives in all aspects of employment-related litigation, including before federal and state courts, administrative agencies and arbitration panels, as well as in mediations.

- Employment

His litigation experience includes defense of claims of sex, race and national origin discrimination, sexual harassment and retaliation, as well as claims brought pursuant to the Fair Labor Standards Act and state and local wage and hour laws, disputes involving the enforcement of employment contracts and post-employment restrictive covenants and tort claims arising out of the employment relationship, such as fraud, breach of fiduciary duty, tortious interference and defamation, among other related areas. Garrett also has significant experience defending employers in class and collective actions.

Garrett additionally advises clients on a broad variety of subject matters including: terminations and other disciplinary actions, employment, consulting and separation agreements, investigations of alleged harassment and other employee misconduct, employment policies and practices and litigation avoidance.

NOTABLE REPRESENTATIONS

- Defended a major New York newspaper and its Fortune 500 parent in a high-profile employment discrimination action brought by two reporters claiming race discrimination and retaliation, and involving novel issues of First Amendment law; the court granted summary judgment on all claims
- Represented one of the largest national grocery wholesalers in prosecuting claims for breach of restrictive covenants and breach of fiduciary duty against former senior executive and his subsequent employer, a competing grocery distributor
- Representation of a Fortune 500 company and its subsidiary in numerous separate high-profile race, national origin and/or pregnancy discrimination lawsuits, including a putative class action seeking to represent company-wide classes of workers
- Representation of major international food franchisor in wage and hour class and collective actions in which employees of franchisees have sought to hold franchisor liable on a "joint employer theory"
- Defended large national yoga studio in a California class action by instructors alleging they were misclassified as independent contractors, thus seeking damages for purported unpaid working time and related wage and hour violations
- Represented major global accessories manufacturer in numerous employment-related matters, including defense of wage and hour

class action and race and gender discrimination lawsuit

- Defense of international athletic apparel retailer in a putative class action claiming in which former employee contends that she and similarly situated workers were required to perform certain work off the clock in violation of the FLSA and New York Labor Law
- Representation of major retailer in three separate lawsuits claiming that workers were improperly classified as "exempt" from the requirements of the FLSA and New York Labor Law and thus were owed payment for unpaid overtime premiums and related damages
- Defense of media production company in lawsuit brought by five former employees claiming their employment was terminated as the result of reverse race discrimination
- Negotiation and drafting of employment agreements, partnership agreements and severance/settlement agreements, and disputes relating to same, involving prominent senior executives of leading investment management and other financial services firms, Fortune 500 companies and non-profit organizations

CREDENTIALS

Admissions

- New Jersey
- New York
- Pennsylvania

Recognitions

- *Chambers USA*
 - Band 5, New York Labor & Employment (2022)
- *The Legal 500 United States*
 - Recommended, Labor and Employment Disputes (including Collective Actions): Defense (2019, 2021)
- Recognized as a "Rising Star" in New York Metro Super Lawyers (2014-2018)

For more information, pursuant to New Jersey Lawyer Advertising guidance, please click here.

Education

- J.D., University of Pennsylvania
- B.A., Anthropology, University of Pennsylvania

CLERK EXPERIENCE

- Honorable Donald S. Goldman, Superior Court of New Jersey

INSIGHTS

Publications

Supplementary – United States – Whistleblowing Laws in Europe: An international guide

There are many US federal statutes that prohibit employers in the private sector from retaliating against whistleblowers, many of which are sector or industry specific.

No firing for lighting up? Cannabis in the workplace

28 January 2021

Appropriately addressing cannabis usage in the workplace while navigating anti-discrimination protections for workers.

Lexology Getting The Deal Through - Market Intelligence

30 October 2020

DLA Piper's Employment team, in partnership with Lexology, launched guides that discuss the current employment landscape for New York and California.

Expanded NYC Earned Safe and Sick Leave Law imposes additional obligations on employers

8 October 2020

New York City's amended Earned Safe and Sick Leave mirrors new, more generous statewide requirements.

United States Supreme Court reaffirms use of class action waivers in arbitration agreements: next stop – employment contracts

18 DEC 2015

The most recent in a line of Supreme Court decisions affirming the validity of class action waivers in arbitration agreements

- Co-author, "Employees may be 'out of sight' while teleworking, but the ADA should not be 'out of mind'," *New York Law Journal*, November 2, 2020
- Co-author, "Taking the high road: New York employers should prepare for legalized marijuana," *New York Law Journal* (FEB 2019)
- Contributing Editor, "Tortious Interference in the Employment Context: A State-by-State Survey," Bloomberg BNA, 4th Ed. (2015 Supplement)
- Contributing Editor, "Employee Duty of Loyalty: A State-by-State Survey," Bloomberg BNA, 5th Ed. (2015 Supplement) & 6th Ed. (2016 Cumulative Ed., 2017 & 2018 Supplements)
- Contributing Editor, "Trade Secrets: A State-by-State Survey," Bloomberg BNA, 5th Ed. (2016, 2017 & 2018 Supplements)
- Chapter Author, "International Labor & Employment Laws," Bloomberg BNA, 4th Ed. (2017 Cumulative Supplement)
- Co-author, "Employment & Labor in New York: Lexology Navigator Q&A," Lexology (2016 & 2017 Eds.)
- "United States Supreme Court Reaffirms Use of Class Action Waivers in Arbitration Agreements: Next Stop - Employment Contracts" (Dec. 18, 2015)
- Co-author, "Deposition Ethics Issues," *PLI: Fundamentals of Taking and Defending Depositions* (2014 and 2015 Eds.)
- Author, "Illegal Is Not Simply Illegal: The Broad Ramifications of a Pennsylvania Town's Attempt at Immigration Control, and the Inherent Problems of Racial Discrimination," *10 U. Pa. J. of Busi. and Emp. Law* 1029 (2008)

Events

Previous

Navigating the arbitration landscape and mitigating employment litigation risks

16 March 2022 | 1:00 - 2:00 ET

Webinar

- Speaker, "Employment Law for Non-Profit Organizations," New York Lawyers for the Public Interest (Sep. 18, 2019)
- Speaker, "#MeToo in 2019: The Evolving Legal Landscape," CLE presentation (Aug. 15, 2019)
- Speaker, "The New Overtime Regulations: What Your Nonprofit Needs to Know," Pfizer Strategic Thinking Seminar for Nonprofit Leaders (Nov. 9, 2016)

NEWS

DLA Piper advises Sound Point Capital in acquisition of CVC Credit's US direct lending unit

14 June 2021

DLA Piper represented Sound Point Capital Management, LP in its recent acquisition of the US direct lending platform of CVC Credit.
