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FIRM DESCRIPTION

Called a “Big Gun” and “High Profile” by the *San Francisco Chronicle* and the *Recorder*, and a “Top Law Firm” by the *National Law Journal*, Lafayette & Kumagai LLP is a minority-owned boutique litigation firm that specializes in business torts, employment, complex litigation and trials. The twenty-three-year-old firm has earned a reputation for excellence and for providing strong advocacy. Lafayette & Kumagai received the 2011 Minority-Owned Law Firm Client Service Award, presented by the California Minority Counsel Program for outstanding client service. The firm has been listed in “Litigation Kings” for 2012 and in “Who Represents America’s Biggest Companies?” for 2008, 2010, 2011, 2012, 2014 and 2015, in *Corporate Counsel* magazine’s annual report on the law firms most used by the *Fortune* 100. Alameda City Manager (and former Oakland City Attorney) John Russo noted to the *Recorder*, “... political players involved in a case may dictate which firm is chosen. Mayor [and California Governor] Jerry Brown, for example, likes to use San Francisco’s Lafayette & Kumagai.”

SUMMARY JUDGMENTS

Breach of Contract Matter – Susan Kumagai and Rebecca Kimura successfully obtained summary judgment on behalf of Defendant, a *Fortune* 100 insurance company, in an anticipatory breach of contract case concerning an annuity. Lafayette & Kumagai argued that Plaintiff was not an intended beneficiary of the annuity and Defendant was nevertheless released from all claims through a qualified assignment. Defendant’s Motion for Summary Judgment was granted in full. 2017.

Morgan v. AT&T Communications of California, Inc. – Susan Kumagai and Brian Chun successfully obtained summary judgment on behalf of Defendant in a matter in which a former employee sued alleging disability discrimination, failure to accommodate, failure to engage in the interactive process, retaliation and wrongful termination. Defendant’s Motion for Summary Judgment was granted in full. 2017.

Henderson v. Equilon Enterprises, LLC, et al. – Rebecca Kimura and Gary Lafayette of Lafayette & Kumagai LLP won summary judgment in what started as a putative class action alleging joint employment of station managers. Lafayette & Kumagai initially got the court to stay the action, under the theory of exclusive concurrent jurisdiction which led to Plaintiff dismissing his class claims. In an exhaustive opinion, the court granted summary judgment, finding the firm’s client was not the joint employer of Plaintiff. 2017.

Simeon v. Comcast - Brian Chun and Susan Kumagai of Lafayette & Kumagai LLP successfully obtained summary judgment on behalf of Defendant Comcast. Plaintiff, a former employee, sued claiming sexual harassment, age, sex and disability discrimination, retaliation, intentional and negligent infliction of emotional distress, wrongful termination and violation of Bus. & Prof. Code Section 17200. Defendant's Motion for Summary Judgment was granted in full. 2016.

Schmitt v. City of Oakland et al. - Brian Chun and Gary Lafayette successfully defended a major Bay Area City in a case where a sworn officer sued claiming sexual harassment, sex discrimination, retaliation, failure to prevent discrimination and harassment, intentional infliction of emotional distress, and negligent hiring, supervision and retention. Defendant's Motion for Summary Judgment was granted in full. All claims were dismissed and Plaintiff is not entitled to a recovery. 2015.

Deleon v. Prudential Insurance Company of America - Gary Lafayette and Africa Davidson successfully defended a *Fortune* 100 company in an employment matter in which Plaintiff alleged disability and race discrimination, harassment, retaliation, failure to prevent and wrongful termination. Defendant contended that Plaintiff was terminated for legitimate business reasons. Defendant's Motion for Summary Judgment was granted in full. 2015.

Ingram v. Pacific Gas and Electric Company – Gary Lafayette and Rebecca Kimura represented a *Fortune* 500 gas and electric company in an employment matter in which Plaintiff alleged race discrimination, harassment, retaliation and wrongful termination. Defendant contended that Plaintiff was terminated for legitimate business reasons and that plaintiff's race had nothing to do with that decision. Defendant's Motion for Summary Judgment was granted in full. 2015. Affirmed on appeal by the Ninth Circuit. 2017.

Veloz v. Pacific Gas and Electric Company – Plaintiff filed suit against his former employer, alleging race discrimination, harassment, retaliation, and wrongful termination. Defendant's Motion for Summary Judgment was granted in full. 2014. Affirmed on appeal by the Ninth Circuit. 2016.

Whatley-Bonner v. AT&T Umbrella Benefit Plan No. 1 – Plaintiff alleged claims under ERISA relating to the denial of long term disability benefits. Defendant's Motion for Summary Judgment was granted and affirmed on appeal by the Ninth Circuit. 2013.

Pacatte Construction Company, Inc. v. Amco Insurance Company – Lafayette & Kumagai represented Defendant in this insurance coverage matter in which Plaintiff alleged breach of contract and breach of the covenant of good faith and fair dealing against Defendant. The Court granted Defendant's Motion for Summary Judgment in full. 2013.

Huerta v. AT&T Umbrella Benefit Plan No. 1 – Plaintiff claimed a violation of ERISA alleging the Plan improperly reduced monthly disability benefits to recover an overpayment. The Court granted Defendant’s Motion for Summary Judgment in full and subsequently denied Plaintiff’s Motion for a New Trial. 2012.

Abiola v. The DirecTV Group, Inc. – Plaintiff filed suit against his former employer, alleging wrongful termination and sex, race and national origin discrimination. Defendant’s Motion for Summary Judgment was granted in full. 2012.

Kukoyi v. AT&T Services, Inc. – Plaintiff sued his former employer, alleging national origin, race, age and disability discrimination, retaliation, harassment, failure to accommodate and wrongful termination. Defendant argued that Plaintiff was terminated for poor job performance. Lafayette & Kumagai filed a Motion for Summary Judgment in Contra Costa County Superior Court on behalf of Defendant. The Court found that Plaintiff failed to meet his prima facie burden and that Defendant had unequivocally established a legitimate, nondiscriminatory reason for Plaintiff’s termination. Defendant’s Motion for Summary Judgment was granted in full. 2012. Affirmed on appeal. 2015.

Alvis v. AT&T Disability Income Plan – Plaintiff alleged wrongful denial of short term disability benefits. Defendant’s Motion for Summary Judgment was granted in its entirety and affirmed on appeal. *Alvis v. AT&T*, 377 Fed.Appx. 673 (9th Cir. 2010)

Contreras, et al. v. Tyco Electronics Corporation – Plaintiffs, six former employees, alleged wrongful termination and section 17200 claims against their former employer after they were fired following a computer forensic investigation that revealed that they had electronically distributed inappropriate materials to some of their co-workers. Defendant’s Motion for Summary Judgment was granted in full. 2010.

Jones v. Pacific Bell Telephone Company – Plaintiff sued her former employer, alleging racial discrimination and harassment and retaliation. Defendant’s Motion for Summary Judgment was granted in full. 2010.

Boissiere v. Pacific Bell Telephone Company – Plaintiff filed a second lawsuit for alleged retaliatory refusal to rehire. Defendant’s Motion for Summary Judgment was granted in full. 2010.

Reeves v. MV Transportation Inc. – Plaintiff alleged age discrimination related to his job application. Defendant’s Motion for Summary Judgment was granted in its entirety and affirmed on appeal. *Reeves v. MV Transportation, Inc.*, 186 Cal.App.4th 666 (2010)

Bingham v. Pacific Bell Telephone Company – Plaintiff sued his former employer, alleging discrimination based on age, physical disability and having exercised his

rights under CFRA. In its motion for summary judgment, Defendant successfully demonstrated that Plaintiff was terminated for legitimate business reasons: namely the misuse of his company-issued vehicle and credit card and subsequent violation of the code of business conduct. Defendant's Motion for Summary Judgment was granted in full. 2009.

Leon v. Pacific Bell Telephone Company – Plaintiff sued her employer alleging disability discrimination, failure to reasonably accommodate and retaliation. Defendant's Motion for Summary Judgment was granted in full. 2009.

Moss v. Pacific Gas and Electric Company – Plaintiff, an attorney employed for 35 years in Defendant's legal department, was terminated for poor performance. He sued his employer for age and physical disability discrimination, harassment, breach of contract and retaliation. Lafayette & Kumagai filed a Motion for Summary Judgment in San Francisco County Superior Court on behalf of Defendant. The firm's attorneys vigorously contested Plaintiff's opposition, which included more than eighteen inches of evidence. The Court ruled in favor of Defendant that the attorney was terminated for legitimate business reasons. Defendant's Motion for Summary Judgment was granted in full. 2009.

Everidge v. Sutter Health – Plaintiff sued her employer alleging race discrimination. The Court ruled in favor of Defendant, despite Plaintiff's submission of declarations from co-workers who believed Everidge had been discriminated against. Defendant's Motion for Summary Judgment was granted in full and affirmed on appeal. 2009.

Martin v. Pacific Bell Telephone Company – Plaintiff sued her employer for alleged denial of a reasonable accommodation and failure to engage in the interactive process. The court's tentative ruling initially granted summary adjudication as to punitive damages only, however, during oral arguments Susan Kumagai successfully argued before Contra Costa County Superior Court Judge Judith Craddick, who changed her ruling and granted summary judgment in full. 2009.

Jackson v. Pacific Bell Telephone Company – Plaintiff sued his employer for alleged race discrimination and harassment. Defendant's Motion for Summary Judgment was granted in full. 2009.

Finley v. Wells Fargo Bank, N.A. – Plaintiff sued her former employer for alleged race discrimination. Defendant's Motion for Summary Judgment was granted in full. 2009.

Smith v. Pacific Gas and Electric Company - Plaintiff sued his employer for alleged employment-related age discrimination and retaliation. Defendant's Motion for Summary Judgment was granted in full. 2009.

Shaw v. Sprint Nextel – Plaintiff sued for alleged breach of employment contract, lost commissions, harassment, and intentional infliction of emotional distress in connection with her termination. Defendant’s Motion for Summary Judgment was granted in full. 2009.

Glover v. AT&T Umbrella Benefit Plan No. 1 – Plaintiff alleged claims under ERISA relating to the denial of short term disability benefits. Defendant’s Motion for Summary Judgment was granted in its entirety. 2008.

Boissiere v. Pacific Bell Telephone Company – Plaintiff sued for alleged retaliatory refusal to rehire. Defendant’s Motion for Summary Judgment was granted in full. 2008.

Hoff v. Pacific Bell Telephone Company – Plaintiff sued for alleged ADA discrimination. Defendant’s Motion for Summary Judgment was granted in full. 2008.

Knowles v. Pacific Gas and Electric Company – Defendant filed a Motion to Dismiss based on preemption under section 301 of the LMRA. Defendant’s Motion to Dismiss was granted in full.

Montanio v. WalMart – Plaintiff alleged national origin discrimination. Defendant’s Motion for Summary Judgment was granted in full.

Navarro v. Denny’s, Inc. - Plaintiff claimed that she was subjected to retaliation, demoted and constructively discharged after she reported an alleged complaint of race discrimination made by guests against a server. The firm successfully argued on behalf of Denny’s, Inc. that Plaintiff was never demoted and retained her position until she quit. Defendant’s Motion for Summary Judgment granted in full.

Embury v. King – Plaintiff, a physician and researcher, claimed he was entitled to tenure and could not be terminated for deficiencies in his performance. The Court of Appeals reversed the denial of Defendant’s Motion for Summary Judgment. *Embury v. King*, 179 Fed.Appx. 409 (9th Cir. 2006); *Embury v. King*, 361 F.3d 562 (9th Cir. 2004); *Embury v. King*, 191 F.Supp.2d 1071 (2001)

Brunson v. Andre-Boudin Bakeries, Inc. – Plaintiff alleged discrimination and wrongful termination based on gender, marital status and medical condition. Defendant’s Motion for Summary Judgment granted in full.

Rajput v. Blue Cross of California – Plaintiff sued for alleged discrimination based on age and national origin. Defendant’s Motion for Summary Judgment granted in full.

Van Dalen v. California State Automobile Association – Plaintiff sued for alleged retaliatory discharge and intentional infliction of emotional distress. Defendant’s Motion for Summary Judgment granted in full.

Smith v. Kaiser Foundation Health Plan, Inc. – Plaintiff sued for alleged discrimination and sexual harassment. Defendant’s Motion for Summary Judgment granted in full.