



## Diane L. Kimberlin

Shareholder

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## Focus Areas

Class Actions  
Wage and Hour  
Discrimination and Harassment  
Leaves of Absence and Disability Accommodation

## Overview

Diane L. Kimberlin has represented both private companies and public entities in many facets of labor and employment law, including:

- Wage and hour class actions
- Leaves of absence and the duty to accommodate disabled individuals
- Defense of wrongful discharge actions
- Claims of sexual harassment
- Employment discrimination and retaliation claims
- Collective bargaining negotiations
- Labor arbitrations

In recent years Diane has devoted a significant part of her practice to the defense of retail and service sector employers faced with wage and hour class action claims. She has a record of success in defeating class certification and of securing favorable settlements when clients wish to dispose of claims with certainty. She has specific knowledge of:

- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The California Fair Employment and Housing Act
- The California Family Rights Act
- The Employee Polygraph Protection Act

- California and federal wage and hour laws

Diane provides clients with practical advice to help them navigate the tangle of state and federal laws governing leaves of absence and the duty to accommodate individuals with disabilities. She guides clients through the process of discipline and termination decisions, the investigation of workplace harassment and other misconduct claims, and helps them to arrive at sound decisions that meet business needs and show compliance with their legal duties as employers.

Over the course of her career, Diane has worked with a broad range of clients, including those in the following industries:

- Retailers, including those in the grocery industry
- Hospitals
- Manufacturing
- Waste disposal and recycling
- Finance
- Entertainment
- Cities – in negotiations with public safety employees
- Public schools

Before joining Littler in 1985, Diane was an associate at a Los Angeles firm representing labor unions with an emphasis on the retail grocery industry and motion picture production unions and guilds.

## Professional and Community Affiliations

- Member, Board of Directors, Center for Civic Mediation, Los Angeles County Bar Association
- Member, Los Angeles County Bar Association
- Member, American Bar Association
- Member, Labor Law and Litigation sections, Los Angeles County Bar Association
- Member, Labor Law and Litigation sections, American Bar Association
- Member, Board of Directors, Regis House

## Recognition

- Named, The Best Lawyers in America®, 2007-2021

## Education

J.D., University of California, Los Angeles School of Law, 1976

B.A., University of California, Santa Barbara, 1973

## Bar Admissions

California

## Courts

U.S. Court of Appeals, 9th Circuit  
U.S. District Court, Southern District of California  
U.S. District Court, Central District of California

## Publications & Press

### **Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

### **DOL Issues Guidance for Certain Federal Contractors on Paid Sick Leave and Expanded Family and Medical Leave under the FFCRA**

*Littler ASAP*

August 6, 2020

### **Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

### **Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

### **Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

### **The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Littler Press Release*

August 16, 2016

### **Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition**

*Littler Press Release*

August 18, 2015

### **Copycat Ordinance: Los Angeles County to Adopt \$15 Minimum Wage Similar to Recent Los Angeles Citywide Ordinance**

*Littler ASAP*

July 29, 2015

**A California Court of Appeal Issues Expansive Expense Reimbursement Ruling**

*Littler ASAP*

August 26, 2014

**Littler Attorneys Included in the Best Lawyers in America© 2015 Edition**

*Littler Press Release*

August 18, 2014

**We Have to Pay for What? A California Court of Appeal Issues Expansive Expense Reimbursement Ruling**

*Littler Insight*

August 15, 2014

**Littler Attorneys Named in Best Lawyers in America® 2014 Edition**

*Littler Press Release*

August 15, 2013

**Two Ninth Circuit Decisions Reverse District Court and Find Removal of Class Actions to Federal Court Appropriate**

*Littler ASAP*

July 8, 2013

**California Adopts New Disability Discrimination Regulations**

*Littler Insight*

February 12, 2013

**A Guide to Employee Benefits Administration and Leaves of Absence**

*Littler Insight*

November 21, 2012

**Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition**

*Littler Press Release*

September 7, 2012

**California Appellate Court Overturns \$15 Million Overtime Class Action Judgment**

*Littler ASAP*

February 10, 2012

**"Trial by Formula" Rejected and \$15M Overtime Judgment Overturned**

*Littler Insight*

February 10, 2012

**California Court of Appeal Finds Employees Are Exempt Under California's Commissioned Sales Exemption**

*Littler ASAP*

January 30, 2012

**Best Lawyers in America® Names 108 Littler Lawyers to 2012 Edition**

*Littler Press Release*

September 12, 2011

**Schering Loses Round Two in Effort to Prove Its Sales Representatives Are Exempt**

*Littler ASAP*

August 11, 2011

**Seventy-Two Littler Attorneys Named to The Best Lawyers in America® 2011**

*Littler Press Release*

August 9, 2010

**61 Littler Attorneys Named to The Best Lawyers in America® 2010**

*Littler Press Release*

August 14, 2009

**51 Littler Attorneys Named to The Best Lawyers in America**

*Littler Press Release*

October 31, 2008

**Supreme Court Rules Ralph's Grocery Co. Inc.'s Incentive Compensation Plan Lawful**

*Los Angeles Daily Journal*

September 7, 2007

**Prachasaisoradej v. Ralphs Grocery Company - Employers and Employees Can Share in Profits**

*Littler Insight*

August 29, 2007

**Reporting on the California Supreme Court decision in Prachasaisoradej v. Ralphs Grocery Company, Inc.**

*Los Angeles Daily Journal*

2007

**Diane Kimberlin Defines the New Meaning of Sexual Harassment in the Workplace**

*San Diego Business Journal*

November 28, 2005

### **Class Struggles**

*Los Angeles Lawyer Magazine, Vol. 25, No. 8*  
November 2002

### **ADA Overview and Update: What Has the Supreme Court Done to Disability Law?**

*The Review of Litigation*  
Summer 2000

## **Speaking Engagements**

### **Mastering the Exasperating: Navigating California's Leave of Absence Laws**

Los Angeles, CA  
April 23, 2013

### **Getting it Right in the Golden State - Practical Thoughts for Complying with California's New Pregnancy Disability Leave and Disability Discrimination Regulations**

March 14, 2013

### **Brinker: The Wait Is Over**

2012 Mid-Year Legal Update - Professionals in Human Resources Administration (PIHRA), Los Angeles, CA  
June 20, 2012

### **Brinker: The Wait Is Over**

2012 Mid-Year Legal Update - Professionals in Human Resources Administration (PIHRA), Riverside, CA  
June 14, 2012

### **Brinker: The Wait Is Over**

2012 Mid-Year Legal Update - Professionals in Human Resources Administration (PIHRA), Woodland Hills, CA  
June 7, 2012

### **The ADA in Real Life**

Littler Mendelson, Scottsdale, AZ  
May 11, 2012

### **Class Action Mediation and Settlements: The Insiders' Views**

Littler Mendelson, Scottsdale, AZ  
May 10, 2012

**Beyond Brinker – Give Me A Break!!!: Meal Periods, Rest Breaks, The Rolling Five and The Future of Wage and Hour Class Action Litigation**

Luncheon Program, Labor & Employment Law and Business Law Sections - Beverly Hills Bar Association

May 3, 2012

**Current Trends in Wage and Hour Litigation: The Defendant's Perspective**

ERS Group, Inc., Santa Monica, CA

February 24, 2011

**Wage and Hour Update**

12th Annual Conference on Employment Practices Liability Insurance - American Conference Institute, New York, NY

January 23, 2007