

## Matthew Kelly

Principal

1111 Third Avenue  
Suite 3000  
Seattle, WA 98101

T 206.816.1347  
F 206.464.0125  
matthew.kelly@foster.com



**Matt is a litigator whose practice focuses on employment matters in state and federal courts.**

Matt has extensive experience defending employers in wage and hour class actions, as well as in single and multi-plaintiff lawsuits involving claims of discrimination, harassment, wrongful discharge, failure to accommodate, unpaid wages, and leave law violations. He also prosecutes and defends against claims related to employee mobility, such as misappropriation of trade secrets and breach of non-competition and non-solicitation covenants.

In addition to his litigation practice, Matt counsels companies on employment issues, including hiring, terminations, wage and hour, employment policies, reductions in force, leaves of absence, and employment due diligence related to corporate transactions.

He also conducts independent workplace investigations for both public and private employers. He has experience investigating complaints of harassment and discrimination, as well as allegations of misconduct involving executive-level employees.

Matt graduated *cum laude* from Seattle University School of Law, where he served as a Lead Article Editor on the Law Review and participated in the Civil Rights and Amicus Clinic with the Fred T. Korematsu Center for Law and Equality. He is a current member of the Executive Committee of the Labor and Employment Law Section for the Washington State Bar Association.

### Services

Labor, Employment & Immigration

Class Action Litigation

Food & Beverage

Labor Advice

Labor & Employment Litigation

Litigation

Consumer Brands

Luxury Law

### Admissions

Washington, 2014

U.S. District Court, for the Eastern District of Washington

U.S. District Court, for the Western District of Washington

## Education

J.D., Seattle University School of Law (*cum laude*), 2014

- *Seattle University Law Review*, Lead Article Editor
- Cali Award for Highest Grade in Class, Civil Procedure II

B.A., Whitman College, History, 2010

## Honors & Recognition

Rising Star, Washington Super Lawyers, 2022-present

## Professional Activities

Foster Garvey, [Opportunity & Progress Council](#), Member, 2023-present

King County Bar Association, 2014-present

Washington State Bar Association, Member

- Labor & Employment Law Section, 2014-present
  - Executive Committee, 2022-present

## Community Activities

Art with Heart, Board Member, 2019-2020

Childhaven, Community Leadership Board Member, 2020-present

## News

Foster Garvey Elevates Three Attorneys to Principal; Looks Ahead to Celebrating Five-Year Milestone  
1.2.24

13 Attorneys Recognized on 2023 Washington Super Lawyers Lists  
*Foster Garvey Newsroom*, 7.31.23

Foster Garvey Welcomes Two New Associates  
*Foster Garvey Newsroom*, 2.7.22

## Speaking Engagements

From Policy to Practice: Foster Garvey Launches New Quarterly Public Employer Educational Series  
Training  
6.14.24

"2024 Employment Law Update," The Rural Collaborative  
Speaking Engagement  
Olympia, WA, 5.3.24

42nd Annual Civil Service Conference  
Event  
Virtual Event, 10.24.23-10.26.23

## Legal Alerts

Breaking Update: FTC's Noncompete Ban and What It Means for Washington  
4.24.24

Important Changes to Washington's Noncompete Law  
3.25.24

NLRB Decision Restricts the Use of Confidentiality and Non-Disparagement Provisions  
4.11.23

New York City Joins Other Jurisdictions in Requiring Wage Disclosures, Signaling a Nationwide Trend of Pay Transparency Law  
*Foster Garvey Newsroom*, 4.22.22

## Experience

### Wage-&-Hour Litigation

Defeated class certification in a putative class action involving claims of independent contractor misclassification and failure to pay for all hours worked.

Represented construction employer in a class action involving allegations of missed rest and meal breaks and failure to pay for commute time. Obtained dismissal of rest and meal breaks claims based on LMRA Section 301 preemption.

Represented healthcare employer in a class action involving allegations of unpaid wages due to time clock rounding and failure to provide meal periods and rest breaks.

Represented numerous agricultural employers in class actions involving allegations of unpaid overtime and missed meal periods and rest breaks.

Represented numerous transportation employers in class actions involving allegations of missed meal periods and rest breaks.

Represented numerous hospitality employers in class actions involving allegations of unpaid wages related to service charges and failure to provide meal periods and rest breaks.

#### **EEO Litigation**

Obtained complete defense verdict on behalf of telecommunications employer at arbitration involving claims of gender and age discrimination.

Obtained pre-trial dismissal of all claims asserted against an individual defendant in a lawsuit involving claims brought under the Equal Pay and Opportunities Act and the Washington Law Against Discrimination.

#### **Non-Compete, Non-Solicit, and Trade Secret Litigation**

Obtained temporary restraining order and preliminary injunction on behalf of an employer against former employees in a case involving allegations of misappropriation of trade secrets.

Obtained temporary restraining order and preliminary injunction on behalf of an employer against a former employee in a case involving allegations of breach of a noncompetition agreement.

Obtained permanent injunction against a former employee on behalf of a construction employer in a case involving claims of misappropriation of trade secrets and breach of fiduciary duty of loyalty.