



## Adam Levin

Partner, through his Professional Corporation



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### legal expertise

Adam Levin represents employers in all areas of labor and employment law, including serving as lead counsel in numerous employment discrimination, wrongful termination and trade secret/unfair competition cases, labor arbitrations, National Labor Relations Board hearings, and other administrative proceedings. Counsels clients on compliance with FMLA, ADA, Title VII, FEHA, FLSA, ERISA, NLRA and state employment laws. He negotiates and drafts executive employment agreements, and also represents clients in litigation involving right of publicity, invasion of privacy and related claims involving models, celebrities and performing artists.

### representative matters

- Represented ABC, Touchstone Pictures and "Desperate Housewives" executive producer Marc Cherry against claims of wrongful termination, battery and unlawful retaliation brought by former "Housewives" star Nicollette Sheridan. Mr. Levin obtained dismissal of all claims and all defendants, except for a single claim against Touchstone on which the jury was unable to reach a verdict. Mr. Levin represented the defendants on appeal and in subsequent trial court proceedings, ultimately obtaining dismissal of Sheridan's remaining claims resulting in a total victory for the defendants.
- Successfully represented Warner Bros. Television Production, an independent production company and several individual writers in a high-profile, wrongful termination and harassment suit brought by a former writer's assistant for the hit TV show "Friends." After obtaining summary judgement and an award of \$415,000 in attorneys' fees, reversed by the appellate court, argued the case of Lyle v. Warner Brothers Television Production before the California Supreme Court, resulting in a unanimous decision in favor of our clients. Lyle v. Warner Brothers Television Production, 38 Cal. 4th 264 (2006). Watch Oral Arguments Before California State Supreme Court - February 14, 2006.

### practice areas

labor & employment  
employment litigation & counseling  
labor litigation & counseling  
litigation  
class action defense  
commercial litigation  
specialties  
video game

### admissions

California, 1991  
U.S. District Court  
Central District of California, 1991  
Northern District of California, 1993  
Southern District of California, 1993  
Eastern District of California, 1997  
U.S. Court of Appeal, 1997  
Ninth Circuit

### education

University of San Diego  
School of Law, J.D., 1991;  
*magna cum laude*  
Member, *San Diego Law Review*  
Claremont McKenna College.

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- Represents Cable News Network against claims made by a former producer who alleged that his termination stemmed from race discrimination. Adam successfully used California's anti-SLAPP statute to persuade an LA Superior Court judge to dismiss the claims and rule that the news organization's editorial decision to terminate the former producer was protected by the First Amendment. The appellate court reversed the Superior Court's finding in a split decision (2-1), but in March 2017, the California Supreme Court granted petition for review. On May 7, 2019, Adam argued before the Supreme Court, who reversed the decision of the Court of Appeal in part and remanded the case for further proceedings on whether Wilson has put forward sufficient evidence of minimal merit to proceed. Watch Oral Arguments Before California State Supreme Court – May 7, 2019.
- Obtained dismissal of a complaint brought over allegedly discriminatory casting decisions on *The Bachelor*. Adopting Adam's view, the court ruled that the network's choices were protected free expression.
- Successfully defended talent agency Todd Shemarya Artists in a discrimination, harassment, retaliation and wrongful termination action. After trying the case to a Los Angeles Superior Court for almost two weeks, the jury deliberated for a mere 30 minutes before returning a verdict for our client on all causes of action.
- Successfully defended a major record company in a discrimination action by an aspiring recording artist. Obtained dismissal of the action with prejudice, which the Ninth Circuit affirmed on appeal. *Flores v. Elektra Records*, 124 Fed. Appx. 502, 2005 U.S. App. LEXIS 2346 (9th Cir. 2005).
- Successfully defended a major oil and gas company in a sex discrimination and retaliation action by an employee. Obtained dismissal of the complaint, which the Ninth Circuit affirmed on appeal. *Kinney v. Occidental Oil & Gas Corp.*, 109 Fed. Appx. 135, 136 (9th Cir. 2004).
- Successfully defended Outback Pictures in a sexual harassment and wrongful termination action by a former personal assistant. Obtained summary judgement for our client, which the appellate court affirmed on appeal.
- Chief negotiator on numerous entertainment industry collective bargaining agreements.
- Recently represented a national clothing retailer in two purported wage and hour class actions in California. Both settled on favorable terms.

B.A., 1988

Distinguished Scholar;  
National Political Science  
Honor Society

### other career experience

- Law Clerk to the Hon. A. Andrew Hauk, USDC, Central District of California (1991-1992)
- Extern to United States Court of Appeals Judge J. Clifford Wallace, U.S. Court of Appeals, Ninth Circuit (1990)
- Intern to the Hon. Gwyneth Dunwoody, Member of Parliament, UK (1987)



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- Successfully represented a national clothing retailer in their appeal of the District Court's order directing it to comply with an administrative subpoena from Equal Employment Opportunity Commission (EEOC) in respect to a sexual harassment claim by a former employee. The Court of Appeals reversed the District Court's decision to enforce the subpoena.
- Defended Move, Inc. against an unlawful employment practices claim alleging employment discrimination based on race brought by the U.S. Equal Employment Opportunity Commission (EEOC). Successfully obtained summary judgment for our client.
- Defended client in breach of contract action by former employee, and obtained judgment for defendant at trial. *Rosen v. Homestore, Inc.*, Los Angeles Superior Court.
- Handled numerous trade secret/unfair competition cases, including obtaining a temporary restraining order for an employer enjoining a former employee from working for a competitor.
- Represented a publicly traded, online real estate company in a purported wage and hour class action in California.
- Handled threatened class action against major aerospace corporation, including defeating attempt to certify a class, obtaining summary judgment, and obtaining affirmance by the U. S. Court of Appeals, Ninth Circuit.
- Acted as in-house counsel for major motion picture studios (1996-1998; 2001-2002).

## honors & awards

- "Top Labor and Employment Lawyers," *Daily Journal* (2020)
- "Lawyer of the Year" Honoree, *Best Lawyers in America*© (2020)
- "Employment Law Trailblazer," *National Law Journal* (2019)
- "Legal Impact Report," *Variety* (2018 and 2020-2021)
- "Leading Labor & Employment Lawyers in California," *Chambers USA* (2011-2021)
- Recognized by *Best Lawyers in America*© in the fields of:
  - Employment Law Management (2011-2021)
  - Labor Law - Management (2011-2021)
  - Litigation - Labor and Employment (2011-2021)
- "Lawdragon 500 Leading Corporate Employment Lawyers," *Lawdragon* (2020-2021)
- "Top 100 Power Lawyers," *The Hollywood Reporter* (2011-2014, 2021)

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- "Top 100 Most Powerful Employment Attorneys," *Human Resource Executive* (2012-2019)
- "Top 50 Litigation Trailblazers of 2014", *National Law Journal*
- "Top Labor & Employment Lawyers in California," *The Daily Journal* (2011)
- "40 Up & Comer Employment Attorneys," *Human Resource Executive* (2011)
- "Top 5% of lawyers in Southern California," *Southern California Super Lawyers* (2004-2021)
- Award for Employment, California Lawyer Attorneys of the Year (CLAY) (2007)
- "The Nation's Most Powerful Employment Attorneys," *Lawdragon* (2009)
- "Top 20 Lawyers Under Age 40 in California," *Daily Journal* (2005)
- "New Stars New Worlds," a survey of top lawyers throughout the United States, *Lawdragon 500*
- AV® Preeminent™ Rating, Martindale-Hubbell

## professional, business and civic affiliations

- Co-chair, 26th Annual Entertainment Industry Labor and Employment Law Conference (December 2015)
- MSK Governing Board
- Legal Committee, Employers Group
- Theatre L.A. (Member, Board of Governors)
- Co-chair, 11th Annual Entertainment Industry Labor and Employment Law Conference (December 2000)
- Co-chair, 10th Annual Entertainment Industry Labor and Employment Law Conference (December 1999)

## headlines

Adam Levin named to *The Hollywood Reporter's* 2021 "Power Lawyers" List  
May 26, 2021

MSK Practices and Attorneys Recognized in *Chambers USA* 2021 Guide  
*Chambers USA*, May 20, 2021

Christine Lepera and Adam Levin Named to *Variety's* 2021 "Legal Impact Report"  
April 8, 2021

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14 MSK Attorneys Named to the List of 2021 Southern California *Super Lawyers*  
January 21, 2021

33 MSK Attorneys Named Among *The Best Lawyers in America*® for 2021  
August 20, 2020

Adam Levin Featured in *Daily Journal's* Annual "Top Labor & Employment Lawyers" List  
July 15, 2020

Christine Lepera and Adam Levin Named to *Variety's* 2020 "Legal Impact Report"  
July 14, 2020

MSK Practices and Attorneys Recognized in *Chambers USA* 2020 Guide  
*Chambers USA* , April 23, 2020

27 MSK Attorneys Named Among *The Best Lawyers in America*® for 2020  
August 15, 2019

MSK Practices and Attorneys Recognized in *Chambers USA* 2019 Guide  
April 25, 2019

Adam Levin Named to *Lawdragon's* List of Top 100 Most Powerful Corporate Employment Attorneys  
March 15, 2019

Adam Levin Named to *The National Law Journal's* 2019 List of "Employment Law Trailblazers"  
March 1, 2019

MSK Attorneys Named to the List of 2019 *Southern California Super Lawyers*  
January 30, 2019

MSK Welcomes Partner Jeremy Mittman  
September 20, 2018

*The Best Lawyers in America*® 2019 Recognizes 24 Attorneys from MSK  
August 15, 2018

MSK Practices and Attorneys Recognized in *Chambers USA* 2018 Guide  
May 3, 2018

Christine Lepera and Adam Levin Named to *Variety's* 2018 "Legal Impact Report"  
April 17, 2018

William Cole and Adam Levin Named to *Human Resource Executive's* List of Most Powerful Employment Attorneys  
April 13, 2018

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The Best Lawyers in America© 2018 Recognizes 24 Attorneys from Mitchell Silberberg & Knupp LLP  
August 15, 2017

MSK Practices and Attorneys Recognized in *Chambers USA* 2017 Guide  
May 26, 2017

MSK Attorneys Named to the 2017 List of *Super Lawyers*  
January 20, 2017

The Best Lawyers in America© 2017 Recognizes 22 Attorneys from Mitchell Silberberg & Knupp  
August 22, 2016

MSK's Levin and Steinke Win Unanimous Verdict for Shemarya  
April 14, 2010

MSK Partner Adam Levin Receives 2007 CLAY Award  
March 1, 2007

Adam Levin Secures California Supreme Court Victory  
January 20, 2006

## media mentions

Adam Levin Quoted in *Billboard*  
April 30, 2020

Adam Levin Mentioned in *Deadline*  
December 6, 2019

Adam Levin Mentioned in *The Hollywood Reporter*  
September 24, 2019

MSK Case Mentioned in *The Hollywood Reporter*  
July 23, 2019

Adam Levin Mentioned in *The Hollywood Reporter*  
June 28, 2019

Adam Levin Quoted in *Variety*  
March 5, 2018

Adam Levin Quoted in *The Hollywood Reporter*  
January 18, 2018



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Adam Levin Quoted in *The Boston Globe*  
October 12, 2017

Adam Levin Mentioned in *The Hollywood Reporter*  
September 28, 2017

William Cole and Adam Levin Recognized in *Human Resource Executive* List of Most Powerful Employment Attorneys  
July 17, 2017

Adam Levin Featured in *Deadline Hollywood*  
January 20, 2017

Adam Levin and William Cole Featured in *Lawdragon's* "100 Most Powerful Employment Lawyers" List  
December 2016

Adam Levin and Emma Luevano Featured in *Law360*  
November 1, 2016

MSK Practices and Attorneys Recognized in *Chambers USA* 2016 Guide  
May 31, 2016

Adam Levin Mentioned in *The Hollywood Reporter*  
April 5, 2016

MSK Attorneys Named to the List of 2016 Southern California Super Lawyers  
January 20, 2016

Adam Levin and Emma Luevano Mentioned in *Forefront Magazine*  
July 2015

23 Mitchell Silberberg & Knupp Attorneys Featured in *Best Lawyers*  
August 2015

William Cole and Adam Levin Recognized in *Lawdragon's* 2015 Guide to Most Powerful Employment Attorneys  
June 18, 2015

Adam Levin was quoted in *Forbes* and *Law360*  
June 2015

Adam Levin Quoted in *Forbes* and *Law360*  
June 2015

Chambers USA 2015 Recognizes Mitchell Silberberg & Knupp  
May 2015



Adam Levin

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Adam Levin Recognized as One of the *National Law Journal's* "Top 50 Litigation Trailblazers of 2014"  
December 2014

18 Mitchell Silberberg & Knupp Attorneys Named to the 2015 Super Lawyers Business Edition  
November 21, 2014

The Best Lawyers in America® 2015 Recognizes 21 Attorneys from Mitchell Silberberg & Knupp and Names 2 Attorneys "Lawyer of the Year"  
August 2014

Chambers USA 2014 Recognizes 9 Attorneys and 3 Practice Groups from MSK Among Nation's Best  
May 2014

Adam Levin Named to *The Hollywood Reporter's* "Top 100 Power Lawyers" List  
April 2014

26 MSK Attorneys Named to 2014 Southern California *Super Lawyers* List  
January 2014

21 MSK Attorneys Selected for *Best Lawyers in America 2014*  
August 15, 2013

MSK Attorneys and Practice Groups Recognized by *Chambers USA 2013*  
May 2013

26 MSK Attorneys Named to 2013 Southern California *Super Lawyers* List  
January 2013

21 MSK Attorneys Selected for *Best Lawyers in America 2013*  
August 24, 2012

Russell Frackman and Adam Levin Named to *The Hollywood Reporter's* 2012 "Power Lawyers" List  
July 18, 2012

MSK Attorneys and Practice Groups Recognized by *Chambers USA 2012*  
June 25, 2012

MSK Labor & Employment Attorneys Named to List of Most Powerful Employment Lawyers in U.S.  
June 18, 2012

25 Named to 2012 Southern California *Super Lawyers* List  
January 23, 2012

MSK Attorneys Recognized Among "The Best Lawyers in America" for 2012  
August 31, 2011

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Bill Cole and Adam Levin Named to *Daily Journal's* Annual "Top Labor & Employment Lawyers" List  
July 14, 2011

Russell Frackman and Adam Levin Named to *The Hollywood Reporter's* 2011 Power Lawyers List  
July 13, 2011

Bill Cole and Adam Levin Selected Among "Nation's Most Powerful Employment Lawyers"  
June 20, 2011

*Chambers USA* Recognizes MSK Attorneys Among America's Leading Lawyers  
June 10, 2011

24 Named to 2011 Southern California *Super Lawyers* List  
January 25, 2011

*The 2011 Best Lawyers in America* Recognized MSK Attorneys from Nine Practice Areas  
August 19, 2010

Adam Levin on NPR's "The Business" Discussing Hollywood's Work Environment  
May 3, 2010

28 Named to 2010 Southern California Super Lawyers List  
January 26, 2010

The Best Lawyers in America 2010  
August 3, 2009

Bill Cole and Adam Levin Ranked Among the Nation's "Most Powerful Employment Attorneys" by *Human Resource Executive*  
May 15, 2009

29 Chosen to 2009 Southern California Super Lawyers List  
January 30, 2009

MSK Home to 23 Southern California Super Lawyers for 2008  
January 30, 2008

Adam Levin Recipient of the CLAY Award  
February 15, 2007

Adam Levin is named one of California's "Top 20 Attorneys Under 40" by *Daily Journal Extra*  
March 21, 2005

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## publications

Labor and Employment Litigation in the Entertainment Industries, *Entertainment Litigation*  
*Oxford University Press*, 2014

"So This Guy Walks Into a Bar . . .": Dirty Jokes and Vulgar Language in the Workplace After the California  
Supreme Court's "Friends" Decision  
*California Labor & Employment Law Review*, August 2006

Labor and Employment Litigation in the Entertainment Industries, *Entertainment Litigation*  
2011

Labor and Employment Litigation in the Entertainment Industries  
*Entertainment Litigation (Oxford University Press, 2011)*, 2011

Employers have powerful 'Friends'  
June 2006

The Unions Arise  
July 2005

Between a Rock and a Hard Place: Writers and Actors Navigate Hollywood's Rough Roads to Employment During  
Labor Strikes  
2001

Courts are Divided on Drug Tests  
October 1994

Book Review and Commentary, *Wayne Law Review* 513, 39  
1991

## client alerts

Talking Dirty: Court of Appeal Rejects Harassment Claim Based on Vulgar Speech  
*MSK Client Alert*, July 7, 2011

## events & speaking engagements

Workplace Investigation Expert Testimony  
March 29, 2021

About the Association of Workplace Investigators (AWI)  
October 17, 2020

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Inclusion Riders

April 19, 2018

Can I Quote You? - The Impact of California's and New York City's Salary Inquiry Bans on Talent Deals

November 6, 2017

Give Me Liberty or Give Me That Role!

December 9, 2015

Interviewed on NPR/KCRW regarding Hollywood's work environment and what does, and doesn't, constitute harassment, abuse and discrimination

May 2010

Annual Entertainment Industry Labor & Employment Law Conference

December 5, 2003

The Mental Disabilities Time Bomb

1998