



Kelly M. Matayoshi

Partner

kmatayoshi@fbm.com

San Francisco: 415.954.4946

Kelly Matayoshi represents a broad range of local and international companies to thoughtfully handle their complex business and employment litigation needs.

In her business litigation practice, Kelly focuses on products liability, contract disputes, breach of fiduciary duty, and other business disputes. She has a deep understanding of the consumer products industry, having many clients in this space. Kelly is national coordinating counsel for a flexible gas tubing manufacturer, where she handles every aspect of litigation, beginning with the notice letter that originates the case, through fact-gathering, working with experts, discovery, motion practice, negotiation, and settlement or trial.

Kelly also has extensive employment experience, effectively representing employers in state and federal court as well as numerous agencies on a range of causes of action including wrongful termination and class action wage and hour disputes. She has counseled clients through countless single plaintiff lawsuits, and aggressively defends them while always seeking opportunities to resolve them to her client's benefit. She has represented employers in the transportation and sales industries concerning issues arising under a variety of employment statutes and regulations such as exemptions, split shifts, meal and rest breaks, overtime, vacation, wage statements, deductions, and commissions.

She currently serves as the firm's Hiring Partner.

Distinctions

- 2022 Diversity Award, Barristers Club of the Bar Association of San Francisco
- 2021 Outstanding Barristers Award, Barristers Club of the Bar Association of San Francisco
- 2021 Minority Bar Coalition Unity Award, Barristers Club of the Bar Association of San Francisco
- *The Best Lawyers in America*: Ones to Watch in America - Commercial Litigation; Labor and Employment Law-Management; Product Liability Litigation-Defendants (2021-2023)
- Northern California *Super Lawyers Rising Stars* in Business Litigation (2015-2023)
- Laurie Miller Award for Public Service, ABA Section of Litigation (2018)

Memberships and Affiliations

- Managing Director (2023-2024), Managing Director Designate (2022-2023), Section of Litigation, American Bar Association
- Member, UC Hastings Foundation Board of Trustees (2022)
- Member, Elimination of Bias Committee, San Francisco Superior Court (2021-Present)
- Member, Advisory Board, UC Hastings Center for Litigation and Courts (2021-Present)
- President, Barristers Club, Bar Association of San Francisco (2020)
- President, UC Hastings College of the Law Alumni Association Board of Governors (2019-2020)
- President-Elect (2024), Director (2016-2023), Asian American Bar Association of the Greater Bay Area
- Committee Member, Membership & Marketing, Section of Litigation, American Bar Association (2020-present)

Services

- Business Litigation
- Consumer Products + Manufacturing
- Employment

Education

- University of California College of the Law, San Francisco (formerly UC Hastings) (J.D., 2012)
 - *magna cum laude*; *Hastings Law Journal*; Thurston Society
- Wellesley College (B.A., 2008)

Bar Admissions

- California

- Co-Chair, Labor and Employment Committee, Section of Litigation, American Bar Association (2017-2019)
- Co-Chair, Section of Litigation ABA Annual Meeting (2019)
- Member, San Francisco Leadership Team, Judicial Intern Opportunity Program, American Bar Association
- Member, Young Lawyer Leadership Program, American Bar Association

Experience

Visa Inc.

Defended Cybersource Corp., a subsidiary of Visa, against claims of fraudulent transfer, conspiracy to defraud, and declaratory relief in Los Angeles Superior Court and before the California appellate court.

Nevada Links Wins Summary Judgment Motion in Case Brought by United States

Successfully defended client against a \$100 million lawsuit brought by the United States alleging that a land lease between Nevada Links and Clark County violated the Southern Nevada Public Land Management Act administered by the Bureau of Land Management. Following more than three years of litigation, the U.S District Court District of Nevada granted Nevada Links' summary judgment motion, agreeing with the Farella team's position that the statute of limitations had expired before the United States filed suit.

Ortiz v. Ghirardelli

Defended a wage and hour class action brought by hourly restaurant and retail employees for all California locations. The complaint included meal and rest break violations, unpaid overtime, non-compliant wage statements, unreimbursed business expenses, and PAGA claims. We resolved all claims prior to class certification through mediation, and the court approved the settlement.

Correa v. Sabah International

Defended class action involving field service technicians who were required to drive company vehicles. The main claim centered on the compensability of time spent traveling from home to the various work sites (i.e. whether the technicians were "subject to the control" of Sabah during that commute). Ancillary claims include compensation for the completion of work reports, cell phone calls, and maintaining the company vehicle. All claims were settled at mediation, court approval is pending.

Publications

June 29, 2021

The FASTER Act: What Companies Need To Know About the New Food Allergy Law

Food Safety Magazine

April 21, 2021

New Restrictions on Sales and Delivery of E-Cigarettes and Vaping Products

July 07, 2020

The Pandemic's Impact on Junior Attorneys and Diversity

BASF Legal by the Bay

5/5/2016

San Francisco Enacts Nation's First Fully Paid Parental Leave Ordinance

9/9/2015

California to Enact Strongest Equal Pay Law in Nation

8/4/2015

Wineries Often Overlook Harassment Liability

10/7/2014

New California Law Holds Employers Liable for Labor Contractor's Wage Violations

7/14/2014

Supreme Court Clarifies Severance Payment Tax Rules

3/28/2014

Supreme Court Clarifies Tax Rules for Certain Severance Payments

1/31/2014

Construction ADR - A Comprehensive Resource from the Top Legal Minds in the Construction Industry

11/18/2013

New San Francisco Ordinance Requires Employers To Discuss Family Life Accommodations

10/29/2013

12 New Laws California Employers Need To Know

8/1/2013

Advancing the Right to Civil Counsel

Outside the Office

When Kelly's not at work, she does a lot of things to relax. She spends time hanging out with her wife and dog, as well as working out and reading fantasy novels.