

# CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA, 3<sup>rd</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the Mayor  
Honorable Libby Schaaf  
Mayor

(510) 238-3141  
Fax (510) 238-4731

## Letter of Appointment

May 13, 2022

The Honorable City Council  
One Frank H. Ogawa Plaza, Second Floor  
Oakland, CA 94612

Dear President Bas and members of the City Council:

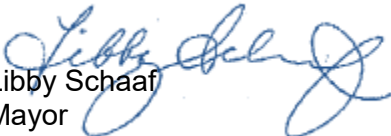
Pursuant to City Charter Section 601, the Mayor has appointed the following persons as members of the following board or commission, subject to City Council confirmation:

### **Commission on Persons with Disabilities**

**Kyle P. O'Malley**, to serve a three-year term that began September 3, 2021 and ends September 2, 2024, filling a seat previously held by Thomas Gregory.

Thank you for your assistance in this matter.

Sincerely,

  
Libby Schaaf  
Mayor

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## Profile

Kyle

First Name

P.

Middle Initial

O'Malley

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

Mobile: (510)

Primary Phone

Business: (415)

Alternate Phone

Phillips, Erlewine, Given & Carlin  
LLP

Employer

Attorney

Job Title

## Which Boards would you like to apply for?

Commission on Persons with Disabilities: Submitted

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## Interests & Experiences

**Please tell us how your qualifications and participation will relate to the requested board and/or commission's mission.**

I am a civil litigator practicing on behalf of workers, consumers, and people in protected classes. I was led to my career after realizing that the vast majority of theft in our country is wage theft--employers stealing from their workers by refusing them overtime pay, meal and rest breaks, and the like. My practice encompasses California and federal privacy, civil rights, employment, and consumer protection law. I work almost exclusively for plaintiffs. I am a queer person who believes strongly in the purposes of democratic self-governance, strong and dispassionate oversight of governmental and corporate institutions, and the importance of protecting the rights of workers, minorities, disadvantaged and/or marginalized communities, and consumers--all of whom are vulnerable to systematic exploitation by powerful authorities. I also represent Bay Area artists in connection with their intellectual property rights.

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***Please submit your resume or curriculum vitae. You may upload a document. (A Word format is preferred.) Alternatively, you may paste the text of your resume in the field provided below.***

[KPO Resume - March 2022.pdf](#)

Upload a Resume

**Please paste the text of your resume or curriculum vitae below.**

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EDUCATION University of Virginia School of Law, Charlottesville, VA Juris Doctor, May 2019 • Earle K. Shawe Labor Relations Prize • Submissions Editor, Senior Managing Board, Journal of Law & Politics • Senior Writing Fellow, Legal Research & Writing Program Stanford University, Palo Alto, CA Bachelor of Arts, English Literature, June 2013 (with distinction) • J.E. Wallace Sterling Award for Scholastic Achievement (top 5% of graduating class) EXPERIENCE Phillips, Erlewine, Given & Carlin LLP, San Francisco, CA Litigation Associate, Jan. 2020—present (Law Clerk, Aug. 2019-Jan. 2020) • Represent plaintiffs and defendants in federal and California courts in individual and class employment litigation (including for age and sex discrimination, harassment, wage & hour and PAGA violations, and other employment-related claims); • Represent plaintiffs and defendants in commercial, intellectual property, privacy, and civil rights litigation; • Conduct legal research and draft memoranda; take and defend depositions; draft pleadings and motion papers (including dispositive motions and oppositions thereto); • Participate in hearings and argue motions; participate in alternative dispute resolution processes; negotiate settlement agreements; and pursue default procedures; • Draft motions and oppositions (including demurrers; motions to compel discovery; motions to remand; motions for preliminary injunction; motions for class certification; etc.). University of Virginia School of Law, Charlottesville, VA Senior Writing Fellow Aug. 2018—June 2019 (Writing Fellow, Aug. 2017-June 2018) • Assisted Professor of Legal Research and Writing in mandatory legal research and writing courses for first year students; met with students; reviewed students' research and writing assignments and provided feedback; presented Bluebooking basics; Assisted students with preparation for oral argument; judged first year oral arguments. Phillips, Erlewine, Given & Carlin LLP, San Francisco, CA Litigation Paralegal, July, 2013—Sept. 2016 • Calendared deadlines; reviewed discovery; assisted counsel with formatting (including compiling tables), legal research, filing and service; participated in mediation; prepared exhibits and demonstratives for trial; communicated with and interviewed clients, potential clients, and class members; prepared and filed trademark applications and responses to Trademark Office Actions.

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**Please click the acknowledgement below.**

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**Service on City of Oakland boards, commissions, and committees may require filings of the FPPC's Statements of Economic Interest (Form 700). Upon appointment and determination of filing status, I will comply with all filing obligations.**

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☒ I Agree \*

# Kyle P. O'Malley

Oakland, CA 94612

com | 510-

## EDUCATION

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**University of Virginia School of Law**, Charlottesville, VA

Juris Doctor, May 2019

- Earle K. Shawe Labor Relations Prize
- Submissions Editor, Senior Managing Board, *Journal of Law & Politics*
- Senior Writing Fellow, Legal Research & Writing Program

**Stanford University**, Palo Alto, CA

Bachelor of Arts, English Literature, June 2013 (with distinction)

- J.E. Wallace Sterling Award for Scholastic Achievement (top 5% of graduating class)

## EXPERIENCE

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**Phillips, Erlewine, Given & Carlin LLP**, San Francisco, CA

*Litigation Associate*, Jan. 2020—present (*Law Clerk*, Aug. 2019-Jan. 2020)

- Represent plaintiffs and defendants in federal and California courts in individual and class employment litigation (including for age and sex discrimination, harassment, wage & hour and PAGA violations, and other employment-related claims);
- Represent plaintiffs and defendants in commercial, intellectual property, privacy, and civil rights litigation;
- Conduct legal research and draft memoranda; take and defend depositions; draft pleadings and motion papers (including dispositive motions and oppositions thereto);
- Participate in hearings and argue motions; participate in alternative dispute resolution processes; negotiate settlement agreements; and pursue default procedures;
- Draft motions and oppositions (including demurrers; motions to compel discovery; motions to remand; motions for preliminary injunction; motions for class certification; etc.).

**University of Virginia School of Law**, Charlottesville, VA

*Senior Writing Fellow* Aug. 2018—June 2019 (*Writing Fellow*, Aug. 2017-June 2018)

- Assisted Professor of Legal Research and Writing in mandatory legal research and writing courses for first year students; met with students; reviewed students' research and writing assignments and provided feedback; presented Bluebooking basics; Assisted students with preparation for oral argument; judged first year oral arguments.

**Phillips, Erlewine, Given & Carlin LLP**, San Francisco, CA

*Litigation Paralegal*, July, 2013—Sept. 2016

- Calendared deadlines; reviewed discovery; assisted counsel with formatting (including compiling tables), legal research, filing and service; participated in mediation; prepared exhibits and demonstratives for trial; communicated with and interviewed clients, potential clients, and class members; prepared and filed trademark applications and responses to Trademark Office Actions.

## COURT ADMISSIONS

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California; Northern, Central, and Southern Districts of California; Ninth Circuit

## PROFESSIONAL AFFILIATIONS

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State Bar of California; California Lawyers Association—Labor & Employment Section; Bay Area Lawyers for Individual Freedom (BALIF).

## **Representative Matters**

Raines v. US Healthworks (SD Cal.; Ninth Circuit) – Represent job applicants in a putative class of 500,000 subjected to discriminatory, invasive, non-job-related medical screenings which defendants required be completed as a condition of employment in violation of the Fair Employment and Housing Act, the Unruh Civil Rights Act, and California privacy law. The California Attorney General and leading disability rights groups joined firm clients as amici in the Ninth Circuit. Case argued at Ninth Circuit in January 2022; under submission.

Employee v. Company (ND Cal.) – Represented employee in an age discrimination case. Employee alleged that Company denied her a promotion that went instead to a woman 30 years younger and that, about a year later, Company fired her. Matter settled on the eve of trial, after the district court denied Company's motions to exclude testimony by Employee's experts and a whistleblower expected to confirm that Employee was targeted by management for termination.

Founder v. Company (Arbitration) – Represented co-founder of Company in connection with claims for unpaid wages, breach of contract, and breach of fiduciary duty. The parties resolved their differences amicably.

Patient v. Doctor (San Francisco Superior) – Represented patient of Doctor in right of publicity and invasion of privacy matter against Doctor, television station, and ad agency in connection with defendant's use of client's "before-and-after" surgery photos in television commercials without permission. The parties resolved the matter amicably.

Artist v. Tech Company (ND Cal.) – Represented Oakland artist in copyright infringement action against tech company, production company, music publishing company for use of iconic Bay Area hip hop anthem in streaming TV series. The matter was resolved amicably.

Cosmetics Company v. Cosmetic Company (Marin Superior) – Represented US cosmetics outfit in business and intellectual property dispute with French joint venturer in trial court and on related appeal. The matter has been resolved to the mutual satisfaction of the parties.

Photographer v. Publication (ND Cal.) – Represented online publication in copyright infringement action by photographer. The matter settled for a confidential amount prior to discovery commencing.

Musician v. Tech Company (Alameda Superior) – Represent musicians in a putative class action (the first such action of its kind) alleging Tech Company violated Talent Agencies Act and the Unfair Competition Law. Matter is ongoing.

Various Trademark Matters – litigation in federal courts and before the TTAB; applications for registration and maintenance of registered marks; counseling for businesses and individuals concerning trademark matters, including research and advice concerning likelihood of confusion.

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY MAYOR LIBBY SCHAAF

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### RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KYLE P. O'MALLEY TO THE MAYOR'S COMMISSION ON PERSONS WITH DISABILITIES

**WHEREAS**, Section 601 of the City Charter provides that members of City boards and commissions shall be appointed by the Mayor, subject to confirmation by the affirmative vote of five members of the City Council; and

**WHEREAS**, Ordinance No. 9968 C.M.S., adopted August 5, 1980, and amended by Ordinance No. 11864 C.M.S., adopted March 12, 1996 and then by Ordinance No. 13334 C.M.S., adopted October 20, 2015, created the Commission on Persons with Disabilities to address issues germane to accessibility, services and civil rights for persons with disabilities; and

**WHEREAS**, the Commission on Persons with Disabilities consists of eleven (11) members, serving three-year terms with no more than two consecutive terms; and

**WHEREAS**, at least a majority of the Commission members appointed must be persons with disabilities; and

**WHEREAS**, the Honorable Mayor Libby Schaaf has appointed Kyle P. O'Malley to the Commission on Persons with Disabilities, subject to confirmation by the City Council; now, therefore, be it

**RESOLVED:** That pursuant to City Charter Section 601, the City Council hereby confirms the Mayor's following appointment to the Commission on Persons with Disabilities:

**Kyle P. O'Malley**, to serve a three-year term that began September 3, 2021 and ends September 2, 2024, filling a seat previously held by Thomas Gregory.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California