

Employment Litigation

Employment lawsuits not only generate widespread media attention but can undermine the strength of your brand, products, and services. We represent employers in disputes ranging from single-plaintiff claims to collective and class action litigation involving the full gamut of employment issues.

- Discrimination and sexual harassment claims
- Leave and accommodation claims
- Wage and hour litigation
- ERISA litigation
- Breach of contract claims
- Trade secret misappropriation
- Whistleblower and retaliation claims

Collective & Class Action Litigation

With collective and class actions on the rise, companies need experienced counsel who can quickly and effectively respond to claims while also controlling costs and advancing clients' business goals. Our lawyers have done so for numerous employers across industries in litigation in multiple jurisdictions.

Representative Matters

Retailer—Summary judgement

Obtained affirmation of New Jersey Superior Court award of summary judgment to employer based upon exclusive remedy provision of the New Jersey Workers Compensation Act. *Fisher v. Sears, Roebuck and Co.*, 363 N.J. Super. 457 (App. Div. 2003), certif. denied 179 N.J. 310 (2004).

Fragrance industry executive—Trade secret misappropriation trial win

Obtained a verdict in favor of our fragrance industry executive client against his former employer's claims of trade secret misappropriation, breach of a confidentiality agreement, and violation of the Computer Fraud and Abuse Act after a six-week federal court jury trial. The Third Circuit Court of Appeals affirmed the judgment in its entirety.

National office supply retailer—Class and collective actions settlement

Tried to conclusion a New Jersey collective action and defended related consolidated multidistrict class and collective actions brought by a group of more than 300 employees of a national office supply retailer who claimed that they were misclassified as exempt managers. The matter was ultimately resolved by a nationwide settlement of the New Jersey and the multidistrict actions.

Health insurer—Class arbitration

Defended a health insurer in a class arbitration brought by participating medical providers alleging improper reimbursement for medical services; was part of the appellate team in the Third Circuit Court of Appeals and the U.S. Supreme Court.

Family owned manufacturer—Commercial arbitration, litigation matter

Defended a family owned manufacturer and its majority shareholders in arbitration and litigation brought by a terminated shareholder alleging discrimination and minority shareholder oppression.

National financial services company—FCRA claim dismissal

Obtained a dismissal of a ten-count complaint against a national financial services company alleging violations of the Fair Credit Reporting Act (FCRA) and claims for breach of contract based on a withdrawn conditional offer of employment.

Charter airline—Whistleblower claim dismissal

Obtained a dismissal for a charter airline of a New Jersey federal court whistleblower claim based on federal preemption under the Airline Deregulation Act. We secured a favorable settlement after the plaintiff refiled a claim with the Occupational Safety and Health Administration under the Federal Aviation Administration's Whistleblower Protection Act and during proceedings before an administrative law judge.

Insurance company executive—Restrictive covenant

Obtained a favorable New York state appellate ruling for an insurance company executive in finding that the executive's new employer did not have a legitimate protectable interest in the executive's pre-acquired clients' business and thus could not enforce a restrictive covenant related to these clients.

Accounting firm—Claim dismissal

Obtained summary judgment in New York state court for an accounting firm dismissing a former employee's multi-count claims that included discrimination, harassment, and breach of contract.

Jones Lang LaSalle Americas, Inc.—Discrimination claim

Won summary judgment for Jones Lang LaSalle in a matter concerning an employee's gender discrimination claim. The judge ruled from the bench in favor of Jones Lang LaSalle after hearing oral argument on the employee's claims.

National retailer—Wage and hour putative class action

Represented a national retailer in a putative class action asserted on behalf of hourly workers in the retailer's New York stores and obtained on summary judgment a complete dismissal of the action. We successfully narrowed discovery to a single issue of first impression in New York—whether deli department workers inside a large retail store are "restaurant" workers potentially eligible for additional wages under New York wage law. The outcome could have impacted the retailer's New York stores significantly and potentially affected other retailers.

Medical center—Multiple claims

Obtained an affirmance at the New Jersey Appellate Division of a lower court decision granting summary judgment in favor of a medical center concerning multiple claims brought by a former teenage volunteer who alleged that the medical center was liable for damages she claimed to have suffered because she had a consensual sexual relationship with a hospital employee. This decision was a win for employers throughout New Jersey in that it recognized reasonable limitations on an employer's liability for employee conduct that is outside the scope of employment and contrary to the employer's business interests.

Healthcare strategies company—Claims dismissal

Obtained a dismissal in the U.S. District Court for the District of Delaware on all counts of claims filed against divisions of a healthcare strategies company by a former employee who alleged disability discrimination, retaliation, defamation and related claims concerning her dismissal.

National retailer—Discrimination

Obtained an affirmance by the U.S. Court of Appeals for the Second Circuit of summary judgment in favor of a division of a national retailer. The court rejected the argument of the plaintiff, an applicant for an optician job, that the company's policy against hiring individuals convicted of felony drug offenses in the optical department was just a pretext for national origin or sex discrimination.

Mobile app developer—Arbitration win

Obtained a complete victory in an arbitration concerning claims alleged by one of the mobile app developer's founders that the company breached his employment agreement and stockholder's agreement when he was terminated from his employment and removed as a director. The company also prevailed against the founder on its counterclaims for breach of fiduciary duty and breach of the stockholder's agreement in Delaware federal court.

Medical center—Disability discrimination

Obtained summary judgment in favor of a healthcare client who terminated an employee suffering from emotional disabilities who was unable to return to work after an extended leave of absence.

Institutional investor—Breach of fiduciary duty for failure to redress sexual harassment

City of Monroe Employees' Retirement System v. Murdoch et al: Shareholder action asserting D&O liability for sexual misconduct patterns at Fox News, resulting in a first-of-its-kind settlement structure via creation of a Workplace Professionalism and Inclusion Council coupled with a \$93 million cash settlement.

Healthcare organization—Discrimination claim

Obtained summary judgment in Connecticut federal court in favor of our client health care organization in a matter involving allegations of race, national origin, and sex discrimination. We defended this matter concurrently during a time of difficult collective bargaining negotiations.

Industrial manufacturer—Health benefits class action

Obtained a favorable settlement of a class action litigation concerning the status of retiree health benefits under several decades of collective bargaining agreements.

Connecticut city—Interim director of labor relations

Served as interim director of labor relations for a Connecticut city for more than 14 months, handling collective bargaining, addressing grievances, and conducting and directing internal investigations. We also negotiated a favorable settlement of federal court wage and hour collective action brought by nearly 200 city firefighters that alleged improper overtime pay calculations.

Municipal employer—Jury trial victory

Obtained a federal jury verdict in favor of a major Connecticut municipality in a case involving allegations of age discrimination and retaliation made by a member of the city's police academy.

Retailer—Discrimination claim

Defeated a discrimination claim on the basis of judicial estoppel due to the plaintiff's prior Social Security disability application.

Private equity firm—Subpoena matter

Moved successfully to quash a subpoena that would have provided a third party with access to a private equity firm's proprietary information.

Regional community non-profit—ADA Investigation

Conducted an investigation into an Americans with Disability Act claim made by an employee of a regional community non-profit organization and counseled the organization on how to reasonably accommodate the employee to avoid litigation.

Human resources consulting firm—Department of Labor audit

Represented a nationwide human resources consulting firm in vacating an *ex parte* judgment for almost \$1 million obtained by the Department of Labor as a result of an unemployment audit. As a result, the audit was re-opened, and the client was owed a refund.

Managed care organization—Tortious interference claim regarding enforcement of non-competition agreement

Obtained a dismissal of a claim of tortious interference filed by a plaintiff former employee of after our client notified the plaintiff's new employer of the employee's non-compete agreement.