

## Employment Counseling & Litigation

A company's reputation depends in large measure on the satisfaction and commitment of its employees. Our Employment Counseling & Litigation Practice Group helps businesses identify and manage their compliance and employment risks. We serve as legal partners and advisors to companies ranging from startups to global brands, including Fortune 500 companies, privately held corporations, life sciences and pharmaceutical companies, and private equity firms.

The group is known for our substantive knowledge and in-depth understanding of the business interests, market opportunities, and operational considerations that go into client employment decisions. By counseling on preventive strategies—such as reasonable accommodation, proper documentation, and progressive discipline—and providing training programs that reinforce company policies, we position our clients to avoid litigation. By helping our clients address their most sensitive employment challenges, we effectively enhance and maintain their hard-earned reputations and protect their brands.

When disputes are unavoidable, we aggressively defend clients against employee claims of discrimination, harassment, retaliation, wrongful discharge, and other workplace claims related to wage and hour, family and medical leave, and employee privacy violations, as well as employee benefits. We have an outstanding success record in representing clients against employees and competitors in matters involving restrictive covenant breaches, misuse of confidential information and trade secrets, employee dishonesty and disloyalty, and contract disputes.

*Chambers USA* has consistently recognized our "distinguished" employment practice and team of "solid, intelligent, and responsive" practitioners for successfully handling a "broad range of contentious matters including discrimination and wage and hour disputes, and employee discipline and termination matters."

### EXPERIENCE

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- > Regularly counsel on and resolve difficult employment disputes for clients in matters alleging workplace harassment, discrimination, and wrongful termination.
- > Regularly counsels New York-based startups and other corporate clients on employment law compliance.
- > Represented a pharmaceutical company in a major reorganization that involved two plant closures and nine reductions in force. Provided advice and prepared documentation relating to plant closures, federal and state WARN Act issues, reduction-in-force issues, severance payments, benefits continuation, releases of claims, and compliance with wage and hour laws in 50 states. Worked closely with the client's legal, human resources, and payroll departments and its outside insurance and outplacement service providers to ensure the orderly handling of more than 600 employee separations and/or relocations.
- > Conducted a sensitive internal investigation of discrimination allegations made against a high-level human resources executive at a Fortune 200 company. Conducted the investigation at the request of the general counsel and reported findings directly to the client's chief executive officer.
- > Performed multiple investigations for a municipality to determine whether employee complaints of unlawful discrimination and retaliation had merit, and drafted confidential investigation reports.
- > Advised a leveraged buyout firm on the employment and employee benefits aspects of the \$2.4 billion carve-out of the world's largest producer of hard capsules and an innovator in drug delivery systems. Provided legal counsel on employment law issues, negotiated employee contracts, advised on and drafted benefits programs, and assisted with setting up payroll in more than a dozen countries.
- > Obtained and defended against multiple applications for injunctive relief on restrictive covenant agreements.
- > Achieved summary judgment in favor of an internationally recognized cosmetics company in connection with a former employee's claims of disability discrimination.
- > Obtained a directed verdict at the close of the plaintiff's evidence at a jury trial on behalf of a small pharmaceutical company involving allegations of reverse race discrimination and a hostile work environment.
- > Represented a national insurance company in litigation challenging the prior settlement of hundreds of employment discrimination claims.
- > Successfully defended a client and its portfolio company in an AAA arbitration against claims by the company's former CEO that the board of the portfolio company did not have "cause" to terminate his employment, as defined by his employment agreement, and that he was therefore entitled to certain compensation and benefits amounting to several million dollars upon termination.
- > Defended a client against a putative wage and hour class action/collective action arising out of work supposedly performed by the named plaintiff and nearly 100 other putative class members at an annual weeklong rock and roll music festival.
- > Represented a biotechnology company and four individual defendants in connection with claims of discrimination, harassment, failure to accommodate, and retaliation under the New Jersey Law Against Discrimination and the workers' compensation statute, as well as claims of intentional and negligent infliction of emotional distress.
- > Represented a biotechnology company and two individual defendants in defense of claims of a hostile work environment and discrimination on the basis of gender, sexual orientation, race, and skin color; quid pro quo sexual harassment; and retaliation.
- > Represented a company that manufactures, sells, and rents equipment for construction projects against allegations by five current and former unionized employees that they are

or were subjected to a hostile work environment and discrimination on the basis of their respective national origins.

- > Represented an insurance management company in federal court in defense of claims that the plaintiff was demoted and ultimately terminated in violation of the Age Discrimination in Employment Act and the Family Medical Leave Act.
- > Represent a private investment firm against claims of a hostile work environment and discrimination on the basis of pregnancy.
- > Defended a private investment firm against claims of harassment and discrimination on the basis of race.
- > Successfully defended ADP against claims of race and sex discrimination in Essex County, New Jersey, in which damages in excess of \$10 million were sought in a three-week jury trial.
- > Drafted position statements on behalf of a metropolitan New York technical college in cases before the Equal Employment Opportunity Commission and New York State Division of Human Rights alleging discrimination and retaliation under Title VII and the New York State Human Rights Law.
- > Represented a regional bank in litigation brought against former officers and employees alleging misappropriation of confidential information and unfair competition against their former employer.
- > Successfully defended a New York City sightseeing tour bus company against employee's claims of discrimination in the U.S. Court of Appeals for the Second Circuit.
- > Obtained a defense jury verdict for a prominent real estate investment trust in a disability discrimination and retaliation trial.
- > Represented the New Jersey Defense Association as amicus in the case of *Maw v. Advanced Clinical*, in which the New Jersey Supreme Court agreed that terminating an employee who refuses to sign a noncompete agreement does not constitute a violation of the New Jersey Conscientious Employee Protection Act, reversing the New Jersey Appellate Division's decision and creating new law in this area.