

## Employment Litigation

An unfortunate reality of doing business today is that employers never know when they will come under fire for any number of alleged claims or violations. No matter how diligent an employer is in ensuring compliance with federal and state employment laws, employers face an ever-increasing array of employment claims ranging from discrimination, harassment, retaliation, failure to pay wages or benefits, breach of contract, wrongful termination, negligent hiring or retention, defamation and more. Our Labor and Employment attorneys, consisting of accomplished litigators, trial lawyers and appellate advocates, routinely defend employers against claims in both individual and class actions and in federal and state courts nationwide. Collaborating with corporate representatives and in-house counsel, White and Williams works during all phases of the litigation to provide efficient and effective representation

We have litigated cases in state and federal courts and before administrative agencies – such as the EEOC, the DOL and the NLRB – with respect to discrimination claims based on age, race, disability, sex (including sexual harassment), religion, veteran's status and retaliation. In addition to discrimination claims, we have years of experience handling litigation involving wrongful discharge, whistleblower, trade secrets/non-compete agreements, employment agreements, and matters involving: the Fair Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), the Occupational Safety and Health Administration (OSHA) and ERISA. Our employment lawyers possess a successful track record of dismissing a majority of these claims before trial, however, our employment litigators also have successfully tried to verdict scores of cases for clients who refuse to pay off unwarranted claims.

Moreover, we have significant experience representing and counseling employers in labor and employment arbitrations and mediations. We assist clients as advocates in alternative dispute resolution (ADR) forums, as counselors in selecting ADR professionals and processes geared favorably toward particular client needs, and in selecting as arbitrators and mediators in specialized fields. Our lawyers have designed and implemented client-training programs on a variety of ADR topics at introductory and advanced levels. We also offer services in all aspects of drafting both pre- and post-dispute ADR clauses and procedures and in the design and implementation of ADR programs.

In addition to our appearances before trial courts, administrative agencies and mediators and arbitrators, we have a history of successes affirming our clients' trial and summary judgment victories before appellate courts.

In respect to discrimination claims, our attorneys have particular experience representing employers in claims under the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act, the FMLA and Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981. Additionally, when a claim does arise, our attorneys are prepared to work directly with management in investigating those claims. Our lawyers have conducted numerous complex and high-profile internal investigations related to misconduct, discrimination and alleged violations of policy, laws and regulations.

Our interdisciplinary team draws upon resources throughout the firm, which enables us to make strategic use of industry-specific knowledge. This combination of deep resources, intra-firm teamwork and full preparation means we can personally respond to client requests promptly and respect specific cost requirements.

### REPRESENTATIVE MATTERS

Lead counsel in age discrimination class actions involving pattern and practice and disparate treatment allegations filed under 42 U.S.C. §1981 and Title VII of the Civil Rights Act of 1964

Obtained summary judgment of behalf of numerous employers in federal and state courts nationwide involving claims of discrimination, harassment and retaliation

Oversaw EEOC national origin investigation on behalf of global public company, involving several thousand employees

Obtained favorable trial results on behalf of biotech company in national origin discrimination matter

Successfully defended and negotiated settlements in several False Claims Act matters in the life sciences and publishing industries involving tens of millions of dollars in exposure.

Represented numerous employers nationwide in wage and hour actions alleging misclassification of independent contractors

Obtained favorable settlement for national trucking company in DOL action alleging misclassification violations and liability for unemployment contributions

Defended a global *Fortune* 100 telecommunications company in federal court against age discrimination and hostile work environment claims; obtained summary judgment; decision affirmed by the 2<sup>nd</sup> Circuit Court of Appeals (*Parron v. Verizon New York, Inc.*)

Defended nonprofit company against disability, familial status and pregnancy discrimination claims before NYS Div. of Human Rights; Judge dismissed all claims after a two-day evidentiary hearing, finding that the employer presented legitimate nondiscriminatory reasons for terminating employment (*Knight v. RECAP*)

Defended global telecommunications company against allegations of reverse gender discrimination brought by male employee; obtained summary judgment (*Purcell v. Verizon New York, Inc.*)

Successfully defended and prosecuted numerous restrictive covenant claims involving requests for injunctive relief

Successfully defended numerous sexual harassment, disparate treatment and wrongful termination claims in violation of the New Jersey Law Against Discrimination

Successfully defended alleged race discrimination and hostile work environment in violation of Title VII and §1981 against employer, and numerous individual defendants, including the former CEO and Director of Human Resources

Successfully defended Conscientious Employee Protection Act (CEPA) matter alleging constructive discharge

Successfully defended alleged wrongful discharge in violation of public policy, maintaining a hospital breached its employment policy by terminating the plaintiff without prior warning

Successfully enforced national food distributor's rights under non-compete and non-solicitation agreements