

Services & Industries

Employment Litigation

OVERVIEW

Representing employers in the litigation, negotiation and arbitration/ADR of employment-related disputes is a longtime Day Pitney strength and a cornerstone practice of our firm. Our employment litigators not only have outstanding trial records but also have the proven ability to help clients solve problems in innovative, cost-effective ways before litigation becomes an option.

No matter what employment-related dispute confronts your company, it is likely that we have solved a similar problem. Our recent cases have included class actions alleging race and sex discrimination in hiring, job placement, promotion, discipline and working conditions, covenants not to compete and trade secret theft, whistleblowers of all stripes including those making claims under Sarbanes-Oxley, and wage and hour and ERISA individual and class-action claims. We also have addressed emerging issues such as image discrimination and employee privacy. With multiple experienced litigators across our offices, we have the resources and depth to mount a rapid, effective response.

Employment Discrimination

A principal area of practice is the defense of employment discrimination suits. We represent management in discrimination actions of all kinds, including claims alleging age, race, gender, national origin, religion and disability discrimination. In our clients' defense, we regularly appear before federal and state courts and administrative agencies. Day Pitney is a firm with the experience to prevail in these sensitive and often complicated cases. We have tried or otherwise resolved thousands of discrimination cases across the country for employers in various industries, from small, privately held companies to large, multinational public companies.

Non-Competition Disputes

Our lawyers regularly handle non-competition agreement controversies, which frequently involve an immediate need for swift action either to prevent the breach of a non-competition agreement or to defend against allegations that our clients' actions violate such an agreement. Day Pitney's team is ready to devote immediate attention when this kind of dispute arises, and aggressively approaches the matter without losing sight of the premium that many clients place on finding a quick, practical solution.

EXPERIENCE

- Defended ERISA class actions, including a seven-and-a-half month case in which hundreds of long-term contract workers claimed entitlement to pension, savings plan, medical and dental benefits that had been provided to company employees, resulting in dismissal of class allegations and arbitration of named plaintiffs' claims
- Obtained summary judgment on a multiple-plaintiff age discrimination case by defeating plaintiffs' broad-based attack on the validity of the release of claims that each plaintiff had signed at the time of layoff
- Obtained a defendant's verdict after a three-week trial in a disability discrimination and retaliation case involving a current employee of a Fortune 50 telecommunications company
- Obtained a summary judgment for a Fortune 100 company against two plaintiffs making ERISA claims under a top hat plan
- Obtained the dismissal of more than 60 claims that toxic workplace exposures caused cancer in employees
- Negotiated a favorable settlement of a 170-member putative class/collective action alleging wage and hour violations under state and federal law
- Representing an international bank and its insurers in connection with several claims relating to hazardous exposure by construction workers and others working for contractors performing post-9/11 cleanup in the World Trade Center environs
- Obtained a summary judgment, which was affirmed by the First Circuit on appeal, on state and federal overtime claims by a former outside salesperson at a Fortune 100 company
- Negotiated a favorable settlement of disability discrimination claims by a plaintiff who had been laid off in a reduction in force
- Obtained the dismissal of a Sarbanes-Oxley whistleblower claim by OSHA for a Fortune 50 manufacturer
- Litigated numerous OSHA matters in OSHRC and federal court of appeals proceedings, including industrial death cases, failure to abate and enforcement actions
- Conducted multidisciplinary (OSHA, environmental, criminal) defense, including, in one case, a seven-and-a-half month trial of companies and their individual managers facing criminal and civil sanctions incidental to alleged federal and state law noncompliance

INSIGHTS

New Jersey Takes Aim at Restrictive Covenants

August 18, 2022

Chair of Day Pitney's Employment and Labor Practice Heather Brochin and Senior Associate Jim Leva authored an article titled, "New Jersey Takes Aim at Restrictive Covenants," for the *New Jersey Law Journal's* Employment Law Special Section.

Employment Matters – Travel Tuesdays: Doing Business in Connecticut

August 9, 2022

Day Pitney Employment and Labor Attorney James Leva was a guest speaker on the Employment Law Alliance's Employment Matters – Travel Tuesdays Podcast, where he discussed need-to-know items for doing business in Connecticut, including the hottest industries and employment laws regulating CT businesses.

“Part II: The Aftermath of a Crisis,” ELA

August 24, 2022

On August 24, Day Pitney Employment and Labor Attorney James Leva will be a panelist at the webinar, "Part II: The Aftermath of a Crisis," hosted by the Employment Law Alliance.

Day Pitney Attorneys Review How Best to Minimize Say-on-Pay Litigation in *The Hartford Business Journal*

July 1, 2013

Rod Rodriguez and Glenn Dowd authored an article on "Minimizing litigation risk on compensation disclosure" in the July 1 edition of *The Hartford Business Journal*.

Don't Be Late Paying Terminated Employees in Massachusetts

April 27, 2022

Day Pitney Attorneys Daniel Schwartz, Michael Lane and Lindsey Viscomi authored the article, "Don't Be Late Paying Terminated Employees in Massachusetts," for *Law360 Employment Authority*.

NEWS

After Hours: Gonzalez Receives Executive Women of NJ Award

June 29, 2022

Day Pitney Employment and Labor Partner Rachel Gonzalez was featured in the *New Jersey Law Journal's* After Hours column for being a recipient of the Executive Women of New Jersey *Salute to the Policy Makers* Award.

Diverse Lawyers Network: Industry News

May 6, 2022

Day Pitney Employment and Labor Partner Rachel Gonzalez was featured in the Diverse Lawyers

Network newsletter for being a recipient of the Executive Women of New Jersey *Salute to the Policy Makers* Award.

Rachel Gonzalez Receives Salute to the Policy Makers Award from Executive Women of New Jersey

May 4, 2022

Day Pitney Press Release

Many CT Businesses Breathe 'Sigh of Relief' After Federal Vaccine Mandate is Withdrawn

February 14, 2022

Employment and Labor Partner Glenn W. Dowd is quoted in the *Hartford Business Journal* article, "Many CT Businesses Breathe 'Sigh of Relief' After Federal Vaccine Mandate is Withdrawn."

Small Business Anxieties Still Persist As CT's New Paid Leave Program Set To Debut Jan. 1

October 18, 2021

Employment and Labor partner Glenn W. Dowd is quoted in the *Hartford Business Journal* article, "Small Business Anxieties Still Persist As CT's New Paid Leave Program Set To Debut Jan. 1."

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