

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.

AFFILIATIONS

Employment Law Alliance, New Jersey and Connecticut Member Firm



EXPERIENCE

Prior results do not guarantee a similar outcome.

- 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

FTC's New Rule Usurps Florida's Public Policy on Noncompete Agreements

May 14, 2024

Day Pitney Litigation Partner Mark Romance authored the article "FTC's New Rule Usurps Florida's Public Policy on Noncompete Agreements," for the *Daily Business Review*.

What Partners Can Learn From Associates: Top Five Insights

November 2, 2023

Day Pitney Trusts and Estates Partner Tasha Dickinson and Litigation Partner Mark Romance authored the article, "What Partners Can Learn From Associates: Top Five Insights," for the *Daily Business Review*.

"2023 Annual Employment and Labor Conference," Day Pitney

June 7, 2023

On June 7, the Day Pitney Employment and Labor team hosted its 2023 Annual Employment and Labor Conference at the firm's New Jersey office.

Connecticut Expands Employment Anti-Discrimination Protections

January and February 2023

Day Pitney Employment Attorneys Lindsey A. Viscomi, Daniel L. Schwartz and Glenn W. Dowd authored the article, "Connecticut Expands Employment Anti-Discrimination Protections," for *CT Lawyer*.

"Representing Estate and Trust Beneficiaries and Fiduciaries 2022," ALI CLE

November 17-18, 2022

Day Pitney Litigation Partners Glenn Dowd and Erick Sandler will be speaking at the "Representing Estate and Trust Beneficiaries and Fiduciaries 2022," course hosted by the ALI CLE on November 17-18, 2022.

NEWS

Companies Urged to be Cautious in Shift Away from Annual Reviews

May 3, 2024

Day Pitney Employment and Labor practice chair Heather Weine Brochin was featured in the *Bloomberg Law* article "Companies Urged to be Cautious in Shift Away from Annual Reviews."

On the Move

April 30, 2024

Day Pitney Florida Offices Managing Partner Manuel Garcia-Linares has been appointed to chair the firm's Litigation department. The news was featured in the *Florida Bar News*.

Takeaways from the FTC's Noncompetes Ban

April 26, 2024

Day Pitney Employment and Labor practice chair Heather Weine Brochin was featured in the *Law360* article "Takeaways from the FTC's Noncompetes Ban."

FTC Votes 3-2 on Final Rule to Ban Noncompete Agreements, But Legal Challenges Expected

April 25, 2024

Day Pitney Employment and Labor practice chair Heather Weine Brochin was featured in FIERCE Healthcare's article "FTC Votes 3-2 on Final Rule to Ban Noncompete Agreements, But Legal Challenges Expected."

FTC Issues Ban on Noncompete Agreements – But Experts Say Rule Will Face Legal Challenges

April 24, 2024

Day Pitney Employment and Labor practice chair Heather Weine Brochin was featured in *Variety's* article "FTC Issues Ban on Noncompete Agreements – But Experts Say Rule Will Face Legal Challenges."

CONTACTS



Heather Weine Brochin
Parsippany, NJ
New York, NY
hbrochin@daypitney.com
T: (973) 966 8199



Daniel L. Schwartz
Stamford, CT
New York, NY
dlschwartz@daypitney.com
T: (203) 977 7536