

EMPLOYMENT COUNSELING & LITIGATION

From its inception, Cole Schotz has been known for its labor and employment law expertise. Firm co-founder David Cole, a renowned labor arbitrator and mediator, counseled Presidents from Harry Truman to Gerald Ford in national labor crises. Continuing that fine tradition, our Employment Law attorneys are well-versed in all aspects of employment law and provide counseling to large and small employers on day-to-day personnel, compliance and regulatory issues. They also have extensive litigation experience, and advocate regularly in state and federal courts and before administrative agencies.

Counseling

We are proud to partner with our clients in navigating the ever-changing and increasingly complex state and federal employment laws and regulations, thus enabling them to do what they do best: focus on their core businesses. We provide preventive counseling to employers on a wide range of evolving statutory requirements, including those related to hiring, wrongful discharge, discrimination, retaliation, harassment, family and medical leaves of absence, disability, wage and hour issues and restrictive covenants. Our attorneys work closely with human resource and other professionals on many personnel matters, such as pre-hiring considerations, employee manuals, anti-harassment training, harassment investigations, employee job performance, termination and reduction in force issues. We also prepare and negotiate employment, compensation and severance agreements.

Litigation

If and when disputes arise, our clients rely on our wide-ranging litigation experience. We have handled all types of employment matters before federal and state courts and various administrative bodies. Our attorneys appear regularly in state and federal courts and before administrative agencies such as the N.J. Division on Civil Rights, the N.Y. Division of Human Rights, the U.S. Equal Employment Opportunity Commission and various state and federal Departments of Labor. We also have extensive class action experience in areas such as discrimination, wage and hour claims and ERISA actions. Many of our attorneys have been members in the prestigious Sidney Reitman Employment Law Inn of Court, the first Inn of Court in the nation that focuses exclusively on labor and employment law issues.

REPRESENTATIVE MATTERS

Cole Schotz defended Goya Foods, the nation's largest Hispanic-owned food company, in a suit brought by Goya's former Director of Marketing alleging national origin and gender discrimination and breach of contract. The suit involved eight lucrative severance agreements, valued at approximately \$4 million, that were distributed by Goya's former President and Chairman behind the back of the Board of Directors and right before he was removed from office. We first obtained the



EMPLOYMENT COUNSELING & LITIGATION (Continued)

dismissal of the discrimination claims; subsequently, after a two-week trial, the jury returned a verdict in Goya's favor, finding the severance agreements unenforceable.

EmpireCLS Worldwide Chauffeured Services, one of the nation's largest chauffeured limousine companies, turned to Cole Schotz when sued in two purported wage and hour class actions in California. In the first case, the plaintiff limousine drivers alleged that the company failed to pay drivers overtime compensation and failed to properly compensate them for rest and meal periods. As lead defense counsel, we successfully convinced the court that the matter was inappropriate for class treatment. Following the court's denial of class action certification, Cole Schotz was able to dispose of the case on extremely favorable terms. In the second case, the plaintiff drivers asserted claims for unpaid wages and overtime. We were able to settle the matter favorably without the court having to decide the issue of class certification. Cole Schotz saved the company from potential exposure for unpaid wages to present and former employees, as well as attorneys' fees and costs.

We handled a very large wage and hour class action filed against Nestlé Waters North America under the New Jersey wage and hour laws. The suit involved Poland Spring and approximately 600 of its New Jersey-based drivers who alleged entitlement to overtime. The class action, which raised a number of novel employment law issues, was settled for approximately \$5 million.

We successfully enforced a financial services company's restrictive covenant against a departing employee who stole a substantial piece of business from our client in violation of his contractual obligations. Within months of filing the complaint, Cole Schotz secured a settlement with the former employee and his new company, enabling our client to recover nearly all of the profits lost on the stolen project.

We successfully represented the Vice Chairman of a Fortune 500 and S&P 500 company, negotiating and protecting his eight-figure retirement benefits package. The package was at risk because the employer was looking to lay blame for its substantial sub-prime mortgage write-offs.

Our child care service agency client turned to Cole Schotz when sued by a child care provider in the Superior Court of New Jersey, alleging retaliation under the New Jersey Conscientious Employee Protection Act, wage and hour violations, breach of contract, and violations of the New Jersey Constitution. We successfully obtained the dismissal of the case at an early stage, avoiding potential liability and saving the company substantial attorneys' fees and costs.



EMPLOYMENT COUNSELING & LITIGATION (Continued)

We successfully defended a company on charges alleging overtime violations brought by the U.S. Department of Labor in Tennessee, enabling the company to raise capital and enter into a strategic business relationship with GE Healthcare.