

EMPLOYMENT LITIGATION

Moore & Van Allen's Employment and Labor Litigators have extensive experience in federal and state courts in the myriad of employment and labor claims that confront our clients. Whether prosecuting or defending against injunctive proceedings, or litigating cases through verdict and appeal in state and federal courts around the country, our Employment and Labor Litigators vigorously represent our clients in Title VII discrimination cases, affirmative action claims, enforcement or breach of non-compete and confidentiality agreements, defending against employee common law claims, employee raiding claims, claims for breach of employee privacy, breach of employment agreements, including non-solicitation covenants, ERISA litigation, claims based on the Family and Medical Leave Act, the Fair Labor Standards Act, misappropriation of trade secrets under the Uniform Trade Secrets Act, Sarbanes-Oxley claims, workers' compensation, and claims for wrongful discharge.

The following cases reflect the nature and types of matters our employment litigators have successfully undertaken:

GENERAL EMPLOYMENT

- *Champion v. PPG Industries, Inc.*, W.C. 1146078, granting summary judgment for employer on claims of negligent supervision following an incident of workplace violence where one employee was shot and killed.
- *Rexam v. United Steelworkers of America et al.*, W.C. 22477858, granting its motion to enjoin parallel proceedings and denying plaintiff's motion to dismiss in class action ERISA litigation.
- *Coates et al vs. Biggers Brothers, Inc.*, 3:94CV194MU. (W.D.N.C.) Representative FLSA action involving a variety of overtime claims by approximately 300 plaintiffs.

HARASSMENT/ DISCRIMINATION

- *Williams v. PPG Industries, Inc.* Moore & Van Allen represented company in federal racial harassment/discrimination case. Prevailed on summary judgment, obtained injunction against employee filing future lawsuits (based on repeated frivolous filings). Won Fourth Circuit appeal.

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- *Sterling v. Baker & Taylor, Inc.* Moore & Van Allen obtained summary judgment for employer on claims of race discrimination and retaliation.
- *Price v. USLEC*, 3:01CV132-H (Middle District of North Carolina) Obtained summary judgment for employer and individual defendants in age discrimination and harassment action.
- *Heuer v. Weil McLain, a Div. of the Marley Co.*, 203 F.3d 1021 (7th Circuit) Summary judgment affirmed for employer on Title VII gender discrimination claim of failure to promote.
- *Houston v. A. E. Staley Mfg. Co.*, Cause No. 2: 02-CV-00847-PRC (U.S. D.C., Northern District of Indiana). Summary judgment granted on behalf of client in Title VII race discrimination claim alleging discriminatory treatment in hiring.
- *Smith v. Hunt Manufacturing Co.*, 107 F 3d 867 (Fourth Circuit). Successfully argued for summary judgment on race discrimination and retaliation claims before the federal district and appellate courts.
- *Wilkins v. DenAmerica, Inc. et al.* (W.D. N.C.) Suit alleging racially discriminatory service at a Denny's restaurant. After winning summary judgment for franchisor and its corporate parent, won jury verdict for remaining defendant, the franchisee.
- *Yefko v. CompUSA.* (M.D.N.C.) Sex discrimination and harassment. Summary judgment granted.
- *Boden v. U.S. Amada.* (E.D. N.C.) ADA discriminatory discharge. Summary judgment granted.

CONTRACT DISPUTES

- *Stephenson v. Hillcrest Foods, Inc.* Claims against company, owner and current and former management employees for discrimination, breach of contract, intentional and negligent infliction of emotional distress, assault and battery, arising out of manager altercation with employee. Won motion to dismiss in favor of arbitration even though employee signed arbitration agreement in prior employment with the company.
- *Precision Concepts Group, LLC v. Franklin Industries, Inc. et al.* Moore & Van Allen prevailed in injunctive proceeding filed by former employer against employee for

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breach of fiduciary duty in the absence of any valid or enforceable restrictive covenant.

TRADE PRACTICE/ TRADE SECRETS

- *CNC v. Scruggs, et al.* Moore & Van Allen defended clients against claims by CNC against company, its owner and management employee for unfair trade practice, misappropriation of trade secrets, tortious interference and (against individuals, breach of contract and breach of duty of loyalty). Won partial summary judgment and settled lawsuit with full dismissal of claims and plaintiffs paying our clients.
- *Siemens Water Technologies, Inc. v. Arc Industries LLC, et al.* Moore & Van Allen defended clients on unfair and deceptive trade practices and trade secret misappropriation action; prevailed against effort to enjoin clients from engaging in competitive business.
- *Torma v. Northern Electric Company*, 819 N.E. 2d, 417 (Ind. App.) Obtained appellate reversal of trial court judgment denying employer's claim of violation of Uniform Trade Secret Act, breach of fiduciary duty, and conversion for employee's misappropriation of company data. Expanded scope of employee fiduciary duty under Section 396 of the Restatement Second of Agency and established authority on the issue of trade secret ownership.
- *In Re Kevco*, Cause No. 01-4073-BJH-11; Adv. Pro. 02-4166-BJH (United States Bankruptcy Court for the Northern District of Texas). Summary judgment granted for client on breach of fiduciary duty, fraud, and trade secrets claim arising in bankruptcy adversary proceedings with claims in excess of \$45 million. Obtained dismissal of related fraud and aiding and abetting breach of fiduciary duty claims asserted by bond holders alleging losses in excess of \$50 million. Prevailed on related cases alleging fraud, misrepresentation, and civil conspiracy filed in the Northern District of Texas and appealed to the Fifth Circuit Court of Appeals. 113 Fed. Appx. 29 (5th Circuit).

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UNFAIR COMPETITION/ NON-COMPETE

- *The Bankers Bank v. Reynolds et al.* Moore & Van Allen defended clients in multi-count unfair competition claim arising from former employees' departure from employer and start-up of competitor business. Positioned case to preclude injunctive relief, prevailed on motion for sanctions, and resolved case favorably for clients through settlement.
- *McGlothen v. Heritage Environmental Services, LLC*, 705 N.E. 2d 1069 (Ind. Ct. App.) Obtained temporary restraining order and preliminary injunction against former employee for breach of non-compete agreement and misappropriation of company confidential information. Restitution for lost business ordered.
- *Corporate Staffing Resources, Inc. et al v. William J. Wilkinson, et al.*, Cause No. 71D05-0107-68-1115 (St. Joseph's Superior Court).

NATIONAL LABOR REPRESENTATION

- *Hagemeyer N.A.* Moore & Van Allen provides national representation to a client with 4,900 employees on all employment matters ranging from Title VII, ADA, ADEA and FLSA claims, to unfair competition actions in administrative proceedings, judicial proceedings, and appeals in all states where HNA does business.