

PRACTICE AREAS

- Employment & Labor
- Employment Litigation
- Litigation
- Product Liability and Tort Litigation

EDUCATION

- B.A., Notre Dame, 1979
- J.D., Notre Dame, 1986

BAR & COURT ADMISSIONS

- Indiana, 1990
- North Carolina, 2006
- Indiana Supreme Court
- United States District Court for the Northern and Southern Districts of Indiana
- United States District Court for the Northern District of Illinois, Eastern Division
- United States District Court for the Northern District of Texas
- United States District Court for the Western District of North Carolina
- United States Court of Appeals for the Fifth, Sixth and Seventh Circuits

PAUL J. PERALTA



MEMBER

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A frequent speaker on litigation and arbitration issues and an adjunct professor at the University of Notre Dame Law School, Paul Peralta brings extensive successful high-stakes trial experience to his varied litigation clients.

He has handled wide-ranging employment and commercial litigation, including management representation in Title VII, ADEA, ADA and ERISA litigation, as well as proceedings before the EEOC and corresponding state and local agencies.

Additionally, Mr. Peralta has counseled and represented clients on employment termination cases; breach of contract claims; trade secret disputes; enforcement/challenge of non-compete, confidentiality and non-solicitation agreements in injunctive and trial proceedings; and product liability litigation.

His trial experience includes federal and state courts in North Carolina, South Carolina, Indiana, Ohio, Texas, Michigan and Illinois, and appeals in the United States Fourth, Fifth, Sixth and Seventh Circuit Court of Appeals; Indiana Supreme Court; Indiana Courts of Appeals; Illinois Appellate Court; Florida Court of Appeals; and Minnesota Court of Appeals.

Representative cases:

- *ABT, Inc. v. Sportsfield Specialties, Inc. et al*, 5:09-cv-00119 – RLV-DCK (W.D. N. C. December 21, 2011). Prevailed in federal jury trial against competitor and former employee for misappropriation of trade secrets, violation of state unfair and deceptive trade practices, breach of noncompete and on Lanham Act counterclaims.

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- *Siemens Water Technologies Corp., v. Legacy Capital Investments, Inc., D/B/A Haz-Mat Transportation and Disposal, Inc.*, Case No. 06-cvs-23886 (Mecklenburg Co. Sup. Ct. December, 2006). Prevailed in injunctive action against former employer and competitor's claims of breach of noncompetition and misappropriation of trade secret claims.
- *Torma v. Northern Electric Company*, 819 N.E. 2d, 417 (Ind. App. 2004). 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, October 8, 2004). 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 Cir. 2004).
- *Heuer v. Weil McLain*, a Div. of the Marley Co., 203 F. 3d 1021 (7th Cir. 2000). Summary judgment affirmed for employer on Title VII gender discrimination claim of failure to promote.
- *McGlothen v. Heritage Environmental Services, LLC*, 705 N.E. 2d 1069 (Ind. Ct. App. 1999). 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.
- *Houston v. A. E. Staley Mfg. Co.*, Cause No. 2: 02-CV-00847-PRC (U.S. D.C., Northern District of Indiana, January 27, 2004). Summary judgment granted on behalf of client in Title VII race discrimination claim alleging discriminatory

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treatment in hiring.

- *Whirlpool Corp. v. WireKraft Industries Inc.*, Cause No. 97-2039-CK-T (Circuit Court for the County of Berrien, Michigan). Obtained summary judgment for supplier on \$25 million dollar claim for sale of alleged defective components on limitations grounds under the Michigan Uniform Commercial Code.
- *Menards v. Dage - MTI*, 726 N.E. 2d 1206 (Indiana 2000). Defended claim against argument of apparent authority of company president to bind corporation in extraordinary transaction. Prevailed at trial and before the Court of Appeals with the Supreme Court establishing new precedent regarding apparent and inherent authority.
- *Collins v. Ralston Purina Corp.*, 147 F. 3d 592 (7th Cir. 1998). Directed verdict affirmed on behalf of employer in ERISA claim of severance benefits denial.
- *National Education Association - South Bend v. South Bend Community School Corp.*, 655 N.E. 2d 516 (Ind. App. 1995). Affirming injunction and contempt citation against teacher's union for unlawful strike against client school corporation.

OF NOTE

- Fluent in Spanish
- Speaker, Inter-American Bar Foundation Program on Alternative Dispute Resolution in El Salvador, Guatemala and Honduras
- Adjunct assistant professor of law, University of Notre Dame Law School, 2000 to 2004; 2006-present
- Faculty member, National Institute for Trial Advocacy – Midwest Regional Program, Bloomington, Indiana, 1999-2003
- Recognized in the 2010-2012 editions of *Benchmark Litigation* as a "Local Litigation Star" in the areas of Commercial and Employment Litigation
- Selected for inclusion to the *North Carolina Super Lawyers* list 2011-2012

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PAUL J. PERALTA

PROFESSIONAL AFFILIATIONS

- Faculty Member, National Institute for Trial Advocacy - Midwest Regional Program
Bloomington, Indiana, 1999-2003
- American Inns of Court, Robert A. Grant chapter - Master - 1998 to present
- Illinois Appellate Lawyers Association 1986-1990
- U.S. Faculty, Proyecto Acceso - Trial Advocacy Program, Viña del Mar, Chile, 2000;
Viña del Mar, Chile, 2001
- Member of ABA/AID Central American Technical Assistance Project Phase II,
Country Coordinator for Costa Rica, 1988-1990