

## JOHN A. ZALOOM

*Member, Employment & Labor*

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John Zaloom brings more than 20 years of experience to his employment and litigation clients. He advises clients on day-to-day employment issues and assists them when litigation is necessary. John also litigates complex and high stakes business disputes, intellectual property disputes, First Amendment litigation, and healthcare credentialing issues.

John's employment litigation experience includes disputes involving restrictive covenants, trade secrets, discrimination claims, Fair Labor Standards Act violations, and wage and hour matters. His employment advice and counsel work includes assisting clients with employment contracts, employee policies and handbooks, OFCCP compliance, Family and Medical Leave Act compliance, accommodating disabilities, termination, and severance. In addition to employment litigation, John litigates business disputes in areas including breach of sales and services contracts, fraud, healthcare, trade secrets, and unfair trade practices.

Prior to joining the firm, John worked at two large firms in New York City, and he is admitted to practice in North Carolina, New York, and numerous federal courts.

John prides himself on being the kind of attorney who clients feel comfortable putting on speed dial, trusting him to always put their needs first. He helps his clients understand applicable law and develop solutions to meet their practical business objectives.

John stays on the cutting edge of laws, regulations, and court decisions affecting the firm's clients. For example, he was a primary drafter of the firm's guidance for employers concerning the Families First Coronavirus Response Act and the CARES Act, both passed in 2020 in response to the Covid-19 pandemic.

### Capabilities

- Business Court Litigation
- Civil Litigation
- Commercial Litigation
- Employee Leave and Accommodations
- Employment & Labor
- Employment Agreements
- Health Care
- Intellectual Property Disputes
- Litigation, Regulatory & White Collar
- Privacy & Data Security
- Technology
- Terminations & Reductions in Force
- Transportation, Infrastructure & Logistics
- Workplace Discrimination & Harassment

### Education

LL.M., University of London,

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### Notable

- *Best Lawyers in America*, Employment Law - Management "Lawyer of the Year," 2023
- *Best Lawyers in America*, Litigation- Labor & Employment, 2016-2023; Employment Law - Management, 2021-2023
- *Business North Carolina* Legal Elite, Employment, 2011, 2014-2015, 2017, 2021, 2023
- *North Carolina Super Lawyers*, Employment & Labor, 2017-2023
- North Carolina Pro Bono Honor Society, 2017-2021
- Graduated with honors from The University of Texas School of Law where he received the Robert S. Strauss Endowed Presidential Scholarship and served on the staff of the Texas Environmental Law Journal
- Graduated with merit from the University of London with an LL.M. in international business law
- Has been active in pro bono representations on behalf of indigent individuals
- Board Member, North Carolina Theatre - Co-chair of the Finance Committee and Member of the Executive Committee
- Board Member, Durham Technical Community College Foundation - Chair of Distributions Committee, 2014-2022
- Chair, Leukemia & Lymphoma Society's Light the Night Executive Leadership Council (Raleigh-Durham Region), 2012-2013
- 2010 Graduate of Leadership Raleigh 25

### Affiliations

- American Bar Association: Litigation Section; Labor and Employment Sections
- North Carolina Bar Association: Litigation Section; Labor and Employment Law Section
- Wake County Bar Association

### Representative Experience

- *Matthew Bruehl v. Duke University, Duke University Health System, Inc., and Private Diagnostic Clinic, PLLC*, No. 1:21-cv-590 (MDNC April 18, 2022). Obtained dismissal of federal employee misclassification claim premised on alleged violation of the Internal Revenue Code

1995, with merit

J.D., University of Texas,  
1994, with honors

B.A., Texas A&M University,  
1991, magna cum laude

### Admissions

North Carolina, 2003

New York, 1996

U.S. District Courts for the Eastern, Middle, and Western Districts of North Carolina, the Southern, Eastern, and Northern Districts of New York, and the Northern District of Texas

United States Courts of Appeals: Second, Third, and Fourth Circuits

United States Supreme Court

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- *Michael Shaughnessy v. Private Diagnostic Clinic, PLLC, et al.*, No. 1:18-cv-461 (MDNC November 19, 2018, July 10, 2020, July 23, 2020). Obtained dismissal of federal employment discrimination claims and summary judgment on state wrongful discharge and tortious interference claims
- *Paul E. Enochs v. Blue Cross and Blue Shield of North Carolina*, 17-CVS-3491 (NC Superior Court, Durham County, July 25, 2017). Obtained preliminary injunction restraining a health insurance company from removing a physician from network in contravention of network participation agreement
- *Margaret Lynch v. Private Diagnostic Clinic, PLLC, et al.*, No. 1:16-cv-526 (MDNC December 20, 2016). Obtained dismissal of employment discrimination claims against a client based on lack of subject matter jurisdiction
- *Wedderburn Corporation v. Jetcraft Corporation, et al.*, 2015 NCBC 101; 2015 NCBC LEXIS 105 (N.C. Bus. Court 2015). Obtained dismissal of nearly all claims regarding the plaintiff's allegations of breach of contract in the client's sale of \$16 million aircraft to the plaintiff
- *EEOC v. PBM Graphics, Inc.*, 877 F. Supp. 2d 334 (MDNC 2012). Obtained partial dismissal of EEOC "pattern and practice" class action discrimination claims
- *MJM Investigations v. Brian Sjostedt*, 2010 WL 2814531 (N.C. App. 2010). Won appeal at the North Carolina Court of Appeals invalidating an overbroad non-compete clause that a company asserted in an attempt to restrain its former employee from working in a competitive field
- *Pattridge v. Parata Systems, LLC*, (MD Fla. 2008). Successfully resolved FLSA collective action against client-employer
- *Dula v. Gold Peak Industries Ltd.*, (EDNC 2004). Obtained dismissal of a claim against a Hong Kong client on personal jurisdiction grounds. The motion required proving that the client was not a joint employer of the plaintiff
- *Estate Of Shelia Williams-Moore v. Duke University Health System, Inc., et al.*, 335 F.Supp.2d 636 (MDNC 2004). Obtained summary judgment on a claim of race discrimination by a patient
- *Woolford v. Frontier Spinning Mills, Inc.*, 04-CVS-4030 (Forsyth County 2004). Obtained a dismissal of a claim under the Retaliatory Employment Discrimination Act by a former employee of a client in the textile industry
- *In re Austrian and German Holocaust Litigation*, 250 F.3d 156 (2nd Cir. 2001). Served on a team that obtained mandamus requiring the District Court Judge to allow agreed dismissal without conditions