

## RUSSELL "RUSS" F. SIZEMORE

*Head of Employment & Labor*

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To his clients, Russ Sizemore is a problem solver. With a focus on employment law, Russ serves as an extended member of his clients' human resources departments, providing legal counsel on a range of employment issues and litigating complex employment cases.

A true partner, Russ invests the time to deeply understand his clients' business models and corporate cultures. He appreciates that clients often face time-sensitive challenges and need an attorney they can turn to on short notice. He is known for his responsiveness and ability to quickly assess complicated situations and devise pragmatic solutions.

Russ routinely advises his clients on issues such as:

- Compliance risk management
- Restrictive covenants such as non-compete agreements
- Wage and hour issues
- High-profile executive departures
- Trade secret protection
- Workplace policies and agreements
- Pre-litigation negotiations

### Extensive Litigation Experience

Russ has successfully defended employers in a wide range of employment discrimination actions, wrongful termination actions, and wage and hour cases, in both individual and collective action settings. His clients know they can rely on him to craft a compelling defense and appropriate litigation strategy as circumstances require.

### Capabilities

Business Court Litigation  
Employee Leave and Accommodations  
Employment & Labor  
Employment Agreements  
Litigation, Regulatory & White Collar  
Terminations & Reductions in Force

### Education

J.D., Yale Law School, 1996;  
Coker Fellow  
Ph.D., Harvard University,  
1987, with highest honors  
M.A., Harvard University, 1983  
M.A., Yale University, 1980  
A.B., Amherst College, 1977,  
summa cum laude; Phi Beta  
Kappa

### Admissions

North Carolina  
United States District Court for  
the Eastern, Middle and

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### Notable

- *Best Lawyers in America*, Litigation - Labor and Employment Law, 2009-2018, 2020-2022; Commercial Litigation, 2010-2022; Employment Law - Management 2011-2022
- *North Carolina Super Lawyers*, 2015-2021
- North Carolina Pro Bono Honor Society, 2018-2021
- *Business North Carolina Legal Elite*, 2010, 2013, 2015-2016, 2018, 2021-2022
- Pro-Bono Attorney of the Year, Mecklenburg County Bar and the Children's Law Center, 1998
- Martindale-Hubbell, *AV Preeminent Peer Review Rated*

### Affiliations

- North Carolina Bar Association
- American Bar Association, Labor & Employment Section
- Member, North Carolina Bar Association Task Force on Integration, Equity, and Equal Justice, 2021-present
- Member, Mecklenburg County Bar Association, Nominating Committee, 2020
- Member, Penland School of Craft, Board of Trustees, 2018-present
- Charlotte Regional Visitors Authority:
  - Board of Directors, 2011-2017
  - Board Chair, 2014-2015
- Council for Children's Rights:
  - Board of Directors, 2006-2011;
  - President and Board Chair, 2006-2007
- Children's Law Center:
  - Board of Directors, 1998-2006;
  - President and Board Chair, 2005-2006
- Mecklenburg County Bar Association, Law & Society Committee, Member and Co-chair, 1997-2000
- Community Link and Travelers' Aid Society, Board of Directors, 1999-2004
- North Carolina Medical Society, Bioethics Committee, North Carolina Bar Association Representative and Taskforce Member, 1998-1999

Western Districts of North Carolina

United States Court of Appeals- Fourth & Sixth Circuit

### Other Areas of Law

Class Actions & Multi-District Litigation  
Commercial Litigation and Alternative Dispute Resolution  
Employee Benefits & Compensation  
Internal Investigations

### Representative Experience

- Represented national and regional construction and automobile service clients in cases throughout North Carolina and other states in discrimination lawsuits and administration agency charges, securing favorable settlements. In a recent discrimination class action against a regional auto club affiliate and its subsidiaries, won denial of class certification and sanctions against purported class action plaintiffs
- Represented a national construction and engineering company in a "pattern and practice" collective action case brought by the U.S. Equal Employment Opportunity Commission (EEOC), alleging sexual discrimination in the hiring of the company's drivers and ground workers. Successfully resolved potential multi-million dollar claims for a nominal settlement
- Represented a variety of automotive and consumer product clients in responding to audits by United States Department of Labor on wage and hour issues, resolving the audits with only nominal additional back wages payments
- Represented a prominent national information technology staffing company in cases throughout North Carolina and others states, asserting or defending against claims relating to covenants not to compete and misappropriation of trade secrets
- Represented a prominent home security company in a case enforcing restrictive covenants against the company's former Chief Operating Officer and his competing company. Won an order allowing forensic exam of the defendants' computer system and network and secured settlement with return of materials, limitations on competing business, and dismissal of counterclaims
- Represented a large regional electrical contracting company defending against a lawsuit for employee raiding and misappropriation of trade secrets. Following aggressive expedited paper discovery and deposition of key plaintiff witness, achieved a "walk-away" dismissal of suit without any payment of damages or injunction restricting the client's business
- Represented a national insurance brokerage company in prosecuting employee raiding and misappropriation of trade secrets claims against departing executives and a competing insurance brokerage business. Discovery included extensive electronic discovery issues and use of forensic examination methods with computer files to pursue computer trespass claims, and analysis of damages arising from pirated clients. Successfully used the results of forensic exams of departing employees' computers to settle the case with collection of damages relating to lost clients and an agreement restricting future competition
- Represented a prominent non-profit organization and its directors in a high-profile termination and compensation dispute with the former CEO. Defeated plaintiff's motions for injunctive relief and for remand to state court. Coordinated defense among multiple defendants and a large Board of Directors. Secured settlement within coverage limits and at less than cost of continuing defense
- Defended a regional medical practice in wrongful termination cases involving high-profile senior physicians, achieving settlement in advance of protracted litigation