



→ Jonathan Stoler

Partner

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Jonathan Stoler is a partner in the New York office. He serves as Global Practice Group Leader of the firm's Labor and Employment Practice and the National Non-Competition and Trade Secrets Team. He recently led the Sheppard Mullin team who were recognized in the *Financial Times* 2019 North America Innovative Lawyer Report for a joint project to address and remediate workplace pay disparities.

Areas of Practice

Jonathan's practice encompasses a wide range of labor and employment matters, including the defense of single plaintiff and class action discrimination, wrongful discharge and wage/hour claims, in addition to employment contract, non-competition, whistleblower, sexual harassment and related claims. He regularly represents clients in labor and employment litigations in federal and state courts, in arbitrations before the American Arbitration Association and the Financial Industry Regulation Authority, and in proceedings before various administrative agencies, including the Equal Employment Opportunity Commission, the U.S. Department of Labor and state agencies throughout the United States. Jonathan has conducted numerous internal investigations and compliance inquiries for several U.S. and foreign corporations. He also represents clients in collective bargaining negotiations, labor arbitrations and all stages of the labor election process, including election campaigns and hearings before the National Labor Relations Board.

Jonathan regularly counsels both domestic and international clients regarding the preparation and administration of personnel policies and provides advice to clients regarding reductions-in-force, discipline and discharge, employee disability and leaves of absence issues. He also advises management on the labor aspects of mergers and acquisitions and the extraterritorial application of U.S. laws.

Jonathan is published and quoted frequently on a variety of employment law issues in major academic and business publications such as the *National Law Review*, *The New York Law Journal*, *The Metropolitan Corporate Counsel* and *Employment Law 360*, and is a frequent speaker at national and international programs.

Honors

Leading U.S. Corporate Employment Lawyers, *Lawdragon*, 2021

Labor and Employment Star - Northeast, *Benchmark Litigation*, 2020

Mr. Stoler led the Sheppard Mullin team who were recognized in the *Financial Times* 2019 North America Innovative Lawyer Report for a joint project with Syndio to address and remediate workplace pay disparities.

Annual Gala Honoree for Exceptional Pro Bono Service, Brooklyn Bar Association's Volunteer Lawyers Project, 2018

100 Most Powerful Employment Lawyers, *Lawdragon*, 2015-2019

Nation's Most Powerful Employment Attorneys, *Human Resource Executive*, 2015-2019

Mr. Stoler has consistently been recognized by *The Legal 500* as among the best labor lawyers in the U.S.

New York Super Lawyer, *Super Lawyers*, 2013-2020

Experience

Representative Clients

Ares Management: Mr. Stoler leads a global team that represents Ares on its employment law matters throughout the world.

Israel Discount Bank: Mr. Stoler obtained summary judgment in multi-plaintiff action on behalf of Israel Discount Bank resulting in dismissal of 18 causes of action alleging race, color, gender, religious and ethnicity discrimination and retaliation under Title VII, Section 1981, the New York State Human Rights Law and the New York City Human Rights Law.

Williams Sonoma: Mr. Stoler obtained summary judgment and defeated motion for class certification in wage and hour class action brought by drivers hired by third-party trucking companies and providing delivery services to Williams Sonoma customers.

U.S. Bank: Mr. Stoler obtained summary judgment and complete dismissal of all claims filed by a former municipal bond banker asserting unequal pay claims under the EPA, and race and gender discrimination and retaliation claims under Title VII and its state and local analogs. He has represented this client in multiple employment litigations including, but not limited to, promissory note recoupment and restrictive covenant enforcement matters.

TP ICAP (f/k/a Tullett Prebon): Mr. Stoler obtained a complete victory in a case spanning three years against a former employee and their current employer for breach of contract, breach of fiduciary duty, and tortious interference with contract. After a 3-day arbitration, the FINRA panel awarded approximately \$2 million in damages and attorneys' fees and dismissed the employee's counterclaims with prejudice. He also obtained a complete defense verdict in a case seeking to hold TP ICAP liable for multi-million dollar bonuses claimed by risk arbitrage brokers. Mr. Stoler continues to represent this client, one of the world's largest interdealer brokers, in employment matters throughout the US.

CA, Inc. (f/k/a Computer Associates): Mr. Stoler successfully represented CA, Inc. in obtaining summary judgment against a former sales executive asserting claims of marital status and national origin discrimination, claims for unpaid commissions and severance, and claims for unjust enrichment and promissory estoppel.

Brooklyn Nets: This client regularly looks to Mr. Stoler to provide counsel and advice on a variety of labor and employment matters.

Holsa/EXSA Americas: Mr. Stoler successfully defended this client and its president against claims of pregnancy discrimination and race discrimination, obtaining a complete dismissal of all claims on a motion for summary judgment.

Mulberry: Mr. Stoler serves as national employment counsel for this UK-based retailer.

Orient Express Hotels/"21" Club: Mr. Stoler successfully represented this client in a wage and hour collective action alleging overtime and other claims asserted under the Fair Labor Standards Act and New York Labor Law.

Sun Chemical Corporation: Mr. Stoler obtained a complete dismissal of breach of contract and ERISA claims asserted by the International Brotherhood of Teamsters, saving Sun Chemical millions of dollars in potential liability.

Ornamental Installation Specialists: Mr. Stoler successfully represented this client in a preliminary injunction trial involving efforts by a competitor to its enforce non-compete agreements.

Articles

- 10 Labor and Employment Considerations In Esports
Law360, 06.06.2019
- Remediating Risks Revealed in a Pay Equity Audit: Part III
Corporate Counsel, 04.12.2019
- Pay Equity Audits as a Risk Identification Tool: Part II
Corporate Counsel, 04.11.2019
- Recognizing and Remediating Gender Pay Equity Issues in the Workplace: Part I
Corporate Counsel, 04.10.2019
- Emerging Trends In State And Local Equal Pay Efforts
Law360, 10.22.2018
- Overcoming Confusion For Franchisors
New York Law Journal, 08.11.2014
- Developing Social Media Policies That Survive NLRB Scrutiny
New York Law Journal, 03.10.2014
- Developing Social Media Policies That Survive NLRB Scrutiny
New York Law Journal, 03.07.2014
- Fears Of A Double-Dip Recession And Managing Workforce Reductions
The Metropolitan Corporate Counsel, 11.2011
- The Social Media Revolution: Recent Developments And Guidelines For Employers To Consider
The Metropolitan Corporate Counsel, 12.2010
- New Hurdles for N.J. Employers Seeking To Comply with Paid Leave Law
Society for Human Resource Management, 01.2010
- Employers Face Crackdown On Misclassification
Employment Law360, 08.13.2009
- Federal and New York State Minimum Wage Increases to \$7.25 Per Hour on July 24, 2009; Minimum Wage for Tipped Restaurant Servers and Other Servers Increases to \$4.65
Human Resource Executive, 07.24.2009
- Some Employers Are Seeking Alternatives to Layoffs
Work force reductions are expensive and can hurt a company's future.
The National Law Journal, 04.27.2009

- New York WARN Act Goes Into Effect On February 1, 2009
01.15.2009
- ADA Amendments Act of 2008 Signed Into Law
09.25.2008
- Enforcing Restrictive Covenants in Times of Layoffs
Can employees have their cake and eat it too?
New York Law Journal, 08.11.2008
- New York Statute Bars Non-Competition Provisions in the Media Industry
08.06.2008
- Court Upholds Unequal Wage Suit Based Upon Unfair And Unequal Shift Assignments Brought By Female Server At Manhattan Restaurant
07.21.2008
- Supreme Court Affirms Right To Sue For Retaliation Under §1981
Extends Life of Plaintiff's Claim and Potential for Damages
05.27.2008
- High Court Could Reshape Employment Practices
Employment Law360, 01.15.2008
- Work Force Reductions
New York Law Journal, 08.16.2007
- Structuring Effective FLSA Audits: In-house And Outside Counsel Can Partner On Wage-and-Hour Reviews Under Fair Labor Standards Act
The National Law Journal, 05.21.2007

Global Trade Law Blog Posts

- "Dodd-Frank Whistleblower Protection: For America Only," November 13, 2013

Labor & Employment Law Blog Posts

- "EEOC Announces Decision to Collect 2017 Employee Pay Data, in Addition to 2018 Pay Data, by September 30, 2019," May 6, 2019
- "Employers Must Provide Pay Data to EEOC by September 30," April 26, 2019
- "Massachusetts – The Latest Jurisdiction to Update Its Pay Equity Laws," August 18, 2016
- "Second Circuit Rules that a "Bare-Bones" Complaint Rephrasing the Text of the FLSA is Insufficient to State an Overtime Claim," August 7, 2013
- "New York State Wage Theft Prevention Act Notice Requirement," January 23, 2012
- "Connecticut Becomes First State to Mandate Paid Sick Leave," July 20, 2011

Media Mentions

4 Key Considerations for Corporate Counsel Facing Layoffs Like Bayer, GM
Corporate Counsel, 11.28.2018

HR's #MeToo Movement

Time for New Thinking on Training

Lawdragon / Human Resource Executive, 06.2018

Brooklyn Bar Association's Volunteer Lawyers Project honors two attorneys during annual gala

Brooklyn Daily Eagle, 05.31.2018

How One Company (With Help From Sheppard Mullin) Has Raked in \$145 Million from Enforcing Its Employment Agreements

The American Lawyer, 07.26.2017

Williams-Sonoma Dodges NJ Delivery Workers' Overtime Suit

Law360, 03.17.2016

Modell's Gets Initial Nod On Overtime Settlement

Law360, 10.17.2014

Q&A With Sheppard Mullin's Jonathan Stoler

Law360, 03.27.2013

WARNing Employees

Human Resource Executive, 02.11.2009

Sheppard Mullin Adds N.Y. Labor Practice Leader

Employment Law360, 05.28.2008

Speaking Engagements

"Legal Issues to Consider in a COVID-19 World," Virtual Reality Location-based Entertainment Summit, October 15, 2020.

"Regulatory Update: A Review of New York State's New EEO/Anti-Sexual Harassment Laws," Goldman Sachs 13th Annual Hedge Fund HCM Seminar, New York, New York, October 3, 2018

"FLSA/Wage and Hour Issues in US Sports," Sports Lawyers Association 43rd Annual Conference, Denver, Colorado, May 19, 2017

"How the U.S. Presidential Election and the Current Economy Will Impact Labor and Employment Laws in 2013 and Beyond," Labor and Employment Year in Review, New York, New York, November 15, 2012

"Labor & Employment Law Update," New York, New York, May 9, 2012

"Labor & Employment Law: 2011 Year In Review," New York, New York, November 3, 2011

"Labor and Employment Issues Relating to the Negotiation of International Recruitment and RPO Contracts, and the Facilitation of Overseas Office Openings," APSCo-Henley Business School Executive Conference, London, England, October 7, 2011

"Labor & Employment Law Update: Spring 2011 Seminar," New York, New York, May 19, 2011

"Labor & Employment Law Update: 2010 Year in Review," New York, New York, November 10, 2010

"Labor & Employment Law Update: Leading Court Decisions and Key Legislative Developments in 2010," New York, New York, May 13, 2010

"Labor & Employment Law Update: 2009 Year in Review," New York, New York, November 5, 2009

"Labor & Employment Law Update: The First 100 Days of the Obama Administration," New York, New York, May 21, 2009

"The Perfect Storm: How the U.S. Presidential Election and Recent Economic Events Will Impact Labor and Employment Laws in 2009 and Beyond," New York, New York, November 6, 2008

"Critical Employment Law Issues to Consider In a Turbulent Economy," New York, New York, June 12, 2008

"Preventing Employment Discrimination in New York," Lorman Education Services, New York, New York, March 26, 2008

"Implementing Workforce Reductions: Strategies & Considerations," Continuing Legal Education Program, New York, New York, November 6, 2007

"New York Employment Law from A-Z," Lorman Education Services, New York, New York, December 1, 2005.

"An Overview of U.S. Labor Laws," National Car & Truck Rental Conference, Las Vegas, Nevada, September 12 – 14, 2005

"Employee Leaves of Absences: The ADA, FMLA, STD and WC Dilemma," Continuing Legal Education Program, New York, New York, September 29, 2004

"Duty of Loyalty and Non-Competition Agreements: A Discussion on Duty of Loyalty and Non-Competition Issues, with emphasis on Successor Enforcement, Temporal and Geographical Limitations and Assignability," American Bar Association's 2003 Annual Meeting, San Francisco, California, August 9, 2003

Events

Sheppard Mullin's Labor & Employment Law Spring Review
Webinar, 05.25.2021

Taking a Shot at COVID-19: What Employers Need to Know About Vaccinating their Workforce
Webinar, 01.14.2021

Sheppard Mullin's Labor & Employment Law Update - Year In Review
Webinar, 11.12.2020

Getting Back to Business Webinar Series (Part 2)
Planning and Best Practices for Employers in a Changed Workplace
Webinar, 05.28.2020

Getting Back to Business Webinar Series (Part 1)
Planning and Best Practices for Employers in a Changed Workplace
Webinar, 05.21.2020

Labor & Employment Law Update - Year in Review - New York
Fall 2019
Convene, 11.14.2019

Labor and Employment Law Spring Update - New York
Spring 2019
05.22.2019

Labor & Employment Law Update - Year in Review - New York
Fall 2018
10.30.2018

Labor & Employment Law Update
New York
06.07.2018

Labor & Employment Law Update - Year in Review
New York Fall 2017
11.15.2017

Labor & Employment Law Update - New York
Spring 2017
05.23.2017

Sheppard Mullin's Fall 2016 Labor & Employment Year in Review
Grand Hyatt New York, 11.14.2016

Sheppard Mullin's Spring 2016 Labor & Employment Law Update
06.22.2016

Sheppard Mullin's Labor & Employment Year In Review
11.19.2015

Sheppard Mullin Seminar For The New York Korea Trade-Investment Promotion Agency ("KOTRA")
Protecting Your Business Interests: How to Successfully Operate a Business Under the Laws of the United
States
08.28.2015

Sheppard Mullin's Spring 2015 Labor & Employment Law Update
05.05.2015

Labor & Employment Law Update - Spring 2014
06.09.2014

2013 New York Labor & Employment Year In Review
Grand Hyatt New York, 11.05.2013

2013 New York Labor & Employment Update
Grand Hyatt New York, 06.19.2013

2012 Labor and Employment Year in Review
How the U.S. Presidential Election and the Current Economy Will Impact Labor and Employment Laws in 2013 and Beyond
Grand Hyatt New York, 11.15.2012

Labor & Employment Law Update 2012
The W Hotel, New York, 05.09.2012

Labor & Employment Law: 2011 Year In Review
New York
The W Hotel, 11.03.2011

Labor & Employment Law Update - Spring 2011
Sheppard Mullin New York, 05.19.2011

Labor & Employment Law Update: 2010 Year in Review
W New York, 11.10.2010

Spring 2010 - Labor & Employment Law Update
W New York 541 Lexington Avenue (Between 49th and 50th), 05.13.2010

Labor & Employment Law Update: 2009 Year in Review
W New York, 11.05.2009

A Perfect Storm: How the U.S. Presidential Election and Recent Economic Events Will Impact Labor and Employment Laws in 2009 and Beyond
Four Seasons Hotel, New York, 11.06.2008

Critical Employment Law Issues to Consider In a Turbulent Economy
For HR Practitioners and General Counsel
Grand Hyatt New York - Park Avenue at Grand Central Terminal, 06.12.2008

Memberships

Board of Directors, New York Lawyers for the Public Interest

Podcasts & Webinars

Labor & Employment Spring Update
05.25.2021

Taking a Shot at COVID-19: What Employers Need to Know About Vaccinating their Workforce
01.14.2021

Sheppard Mullin's Labor & Employment Law Update - Year In Review
11.12.2020

Getting Back To Business Webinar Series: Session Two
05.28.2020

Getting Back to Business Webinar Series: Session One
05.21.2020

Practices

Affirmative Action

Discrimination, Harassment, and Retaliation

Employee Hiring/Discipline/Termination

Employee Privacy and Defamation

Employment Agreements

Handbooks and Personnel Policies

Harassment Investigation and Training

Health and Safety Regulations/OSHA

High-Technology Employment

Labor and Employment

Labor and Employment Counseling

Labor and Employment Litigation

Labor Union Management Relations

Litigation

Public Works and Prevailing Wage Law

Stock Option Litigation

Trade Secrets

Unfair Competition and Trade Secrets

Wage and Hour Class Actions

Wage and Hour Regulations

Workplace Violence

Wrongful Termination

Industries

Entertainment and Digital Media

Esports & Games

Financial Services

Hospitality

Retail

Sports

Education

J.D., Brooklyn Law School, 1995

B.A., SUNY Buffalo, 1991

Admissions

New York

New Jersey

United States Court of Appeals for the Second Circuit

United States Court of Appeals for the Third Circuit

United States District Court for the Southern and Eastern Districts of New York

United States District Court for the District of New Jersey

United States District Court for the District of Connecticut