



Labor, Employment, Benefits, & Pensions

Susman Godfrey is one of the only firms in the country that represents both employers and employees in high-profile employment cases—and has successfully litigated such cases through trial. By representing both plaintiffs and defendants in state and federal court, we have a unique perspective on how to best prepare any employment-related litigation for a win.

We have successfully litigated just about every type of employment case, including wage-and-hour, employee classification, government investigations, employment discrimination, and executive and founder disputes concerning compensation, non-compete agreements, and equity.

Representative Experience

Employment Discrimination

Susman Godfrey litigates cases involving retaliation, and discrimination—including alleged race, gender, age, and disability discrimination—for both employees and employers. We are also one of the few firms that has handled high-profile sexual harassment cases for both plaintiffs and defendants in the era of the #MeToo movement.

- **Confidential EEOC Gender Discrimination Litigation.** Hired months before trial to defend a retailer in a class action brought by the Equal Employment Opportunity Commission (EEOC) alleging gender discrimination. The case settled after Susman Godfrey submitted a notice of appearance and prepared the case for trial.
- ***Kremer et al. v. Zillow*.** Represented online real estate marketplace Zillow when celebrity lawyer Mark Geragos filed a series of sexual harassment and discrimination cases, one of which was splashed across the front pages of the *New York Times*. The cases alleged sexual harassment, retaliation, and discrimination based on race, gender, age, and disability. After years of hard-fought litigation, Susman Godfrey positioned the cases for a favorable settlement.
- **#MeToo Entertainment Industry Employment Litigation.** Brought

justice to several individuals with claims against prominent entertainment insiders—in both the film and music industries—related to the #MeToo movement. From obtaining a seven-figure settlement without even filing a case, to defending women against defamation suits after speaking out against the entertainment elite, Susman Godfrey handled these sensitive matters with discretion and resolve.

- ***Drayton v. Western Auto.*** Obtained class certification from the Middle District of Florida for a class of Black employees of Western Auto Supply Co. (now owned by Advance Stores Company, Inc.) who were suing the former auto-parts retailer for racial discrimination. The defendants immediately appealed the certification decision to the United States Court of Appeals for the Eleventh Circuit. After Susman Godfrey briefed and argued the appeal, and the Eleventh Circuit affirmed the class certification—the first such class action the court had upheld in decades—the case settled with the defendants making a substantial payment to the class.

Executive Compensation and Founder Disputes

When a corporation and one of its executives end their relationship, the split all too often becomes acrimonious. High stakes, intense personal feelings, and the risk of significant injury to reputations on both sides make for highly charged disputes.

Susman Godfrey is among the most experienced firms in the country at handling severance disputes involving corporate executives and founders. As with other types of litigation, we do not limit ourselves to either plaintiffs or defendants, and we have represented both executives and corporations with great success. We have handled executive compensation matters involving many public and private companies, including members of the Fortune 500.

Most of our engagements in this area are protected by confidentiality agreements, but upon request, can furnish you with the names of top executives who are willing to describe their perception of our abilities. Representative cases that we can describe include the following:

- ***Kevin Brown, et al. v. Court Square Capital Management, L.P., et al.*** Scored a complete bench trial victory for client Kevin Brown in an executive compensation lawsuit brought against his former employer – a mid-market private equity firm, Court Square Capital Management, L.P. [Read more.](#)
- ***Platt et al. v. Barclays Capital et al.*** Prevailed in defending two former financial advisors against claims by Barclays Capital that it was entitled to claw back \$4 million in signing bonuses. The bank argued that the terms of promissory notes signed by the financial advisors in connection with the bonuses required them to repay the bank in full if they left the firm for any reason before a seven-year retention period ended. Susman Godfrey countered that Barclays broke a fundamental promise to them by shutting

down the bank's Latin American wealth management business less than a year after they joined the firm. The three-member FINRA panel sided with our clients, forgiving their debt in full.

- ***Kosmos Energy v. Turner.*** Litigated an executive employment case for Kosmos Energy. Our team handled every aspect of the ICDR litigation. When the case was tried, the result was a total victory for Kosmos Energy as the Panel awarded complete relief and attorney's fees and costs in favor of our client.
- ***Morgan Stanley Smith Barney v. Carreras and Molina.*** Secured a unanimous ruling in a precedent-setting case by FINRA arbitrators in favor of two former Morgan Stanley brokers in a multi-million-dollar dispute against global bank Morgan Stanley. The case centered on nearly \$5 million in bonuses Morgan Stanley paid to the brokers, which the bank claimed were owed back to them when the brokers resigned from the firm to join another bank. We filed a plaintiffs' counterclaim on behalf of the brokers, and after a three-day arbitration and testimony from several witnesses, the panel rejected Morgan Stanley's claims in their entirety, and ordered that the bank pay nearly \$1.5 million to our clients on account of commissions lost as a result of the bank's actions.
- ***Jain v. Wipro.*** Represented Pravin Jain, founder of a technology startup that was sold to Wipro, a large Indian technology company, and other former executives of his company. Under the acquisition agreement, Jain had a right to earn-outs based on the subsequent performance of the division. In a lawsuit filed in the Northern District of California, Jain claimed that Wipro breached the acquisition agreement by denying him any opportunity to manage the business to achieve the earn-out targets, costing Jain and his fellow shareholders more than \$10 million dollars in additional compensation. The case settled for a confidential amount shortly before trial.
- ***Ravikant v. Tolia.*** Represented 51 former shareholders and early employees of Epinions, Inc. in groundbreaking litigation involving the fiduciary duties of venture capitalists and venture capital firms when serving on the boards of portfolio companies, the duties of founders to one another, and the valuation of common stock in startup acquisitions. The case was successfully settled on confidential terms.
- ***Cohan v. Fiserv.*** Represented Perry Cohan, the former co-owner and CEO of a company purchased by Fiserv, Inc., a publicly traded financial services company. After Fiserv terminated his employment, Susman Godfrey filed suit in federal court in Los Angeles seeking damages in excess of \$30 million. The case settled after mediation for a substantial figure.
- ***Hughes, Beck and Weems v. Cambrian Capital Partners.*** Represented three senior executives against Cambrian Capital Partners, a mezzanine finance venture owned by Mirubeni Corp., Dominion Capital, and Jeffries & Co. After a one-week trial, the executives succeeded on their claim that Cambrian had breached their equity participation agreement. They were

awarded more than \$3 million—\$2.4 million net to the client.

- **Confidential Wrongful Termination Litigation.** Represented a major investment management firm accused of the wrongful termination of an employment contract that triggered a stock buy-back at an artificially low price. The amount in controversy exceeded \$100 million. Susman Godfrey settled the case on terms favorable to the employer.
- **Siegel v. Budget Group.** Won a multi-million executive compensation arbitration award for a former president and COO against his former employer, Budget Rent-A-Car. The seven-day arbitration took place in Chicago and involved claims made under an executive compensation agreement following the executive's purported "for cause" termination. The arbitrator agreed with Susman Godfrey, found the termination was without cause, and awarded our client more than he would have gotten had Budget honored its agreement in the first place.
- **Dalton v. World Port.** Represented John Dalton, who had been fired as president of World Port, Inc., in claims against his former employer. On the first day of trial, World Port agreed to give Dalton stock worth \$7.2 million in settlement of his claims.
- **Miller v. Big Ball Sports.** Scored a victory for the founder of apparel company, Big Ball Sports. After being fired, Miller sued the company and its other co-founders for shareholder oppression and breach of fiduciary duty. After a three-week trial in Houston, the jury found for Miller on all of her claims and valued her interest in the business at \$3.3 million, which the judge then ordered the company to pay her for her stock.
- **Carroll v. Enserch Energy Services.** Represented Jonathan Carroll, former president of Enserch Energy Services Inc., in a breach of contract case stemming from Enserch's firing of Carroll. After a five-day trial, Carroll won on all issues and received \$5.9 million from Enserch.
- **Pena v. Great Western Resources.** Represented Dan Pena, who had been fired as President of Great Western Resources, in claims against his former employer. When Pena sued for breach of contract, Great Western sued him for breach of fiduciary duty. After a three-week trial in Houston, the jury found that Great Western had breached Pena's contract, rejected all of Great Western's claims against Pena, and granted a multi-million-dollar award.
- **Confidential Executive Compensation Dispute.** Represented a former CEO and COO in a dispute with their former employer over a change-in-control provision in their employment agreement. Shortly after being hired, Susman Godfrey was able to negotiate a multi-million-dollar settlement for these C-suite executives, without having to file suit and while maintaining a strong business relationship between these former executives and their ex-employer.
- **Ashworth v. Team Industrial Service.** Successfully mediated a resolution beneficial to Plaintiff Gareth Ashworth after Ashworth sold his company to Team Industrial Service and was later forced out of the

company. The dispute revolved around Mr. Ashworth's constructive termination and Team Industrial Service's failure to pay alleged earn-out payments.

Wage & Hour and Employee Classification

We represent employers in a wide spectrum of wage-and-hour matters, including class actions and government investigations involving misclassification, minimum wage, overtime, meal break, and rest break claims.

We have successfully defeated class certification in numerous employment matters. And when classes have been certified, employers turn to our team to try the case in court. Which is why we're one of the few firms in the country that has actually litigated high-stakes, wage-and-hour class actions through trial.

- **Employment Litigation for Fortune 50 Company.** Tried to verdict three of the largest wage and hour class actions in the country, as lead trial counsel to one of the world's largest retailers in cases involving allegations of missed rest breaks, meal periods, and off-the-clock work. These cases include: a four-month class action jury trial in Oakland, CA, a one-month class action jury trial in Philadelphia, PA, and a three-month class action bench trial in Hastings, MN. After achieving three successful results, Susman Godfrey helped negotiate a global settlement resolving all claims against our client.
- ***Johnston et al. v. The Rawlings Company.*** Defended The Rawlings Company in the largest wage-and-hour class action ever tried in the State of Kentucky. The suit, filed in LaGrange, KY, alleged that auditors were improperly classified as exempt, salaried employees. After presenting our client's case to the jury, we secured a complete defense victory.
- ***O'Connor et al. v. Santee Dairies.*** Defended Santee Dairies, a California subsidiary of Fortune 500 company, Dean Foods, in an employment class action. The firm defeated efforts to certify wage-and-hour class actions involving alleged meal break, rest break, and overtime violations in six separate cases.