

## Brian A. Hartstein

### Partner

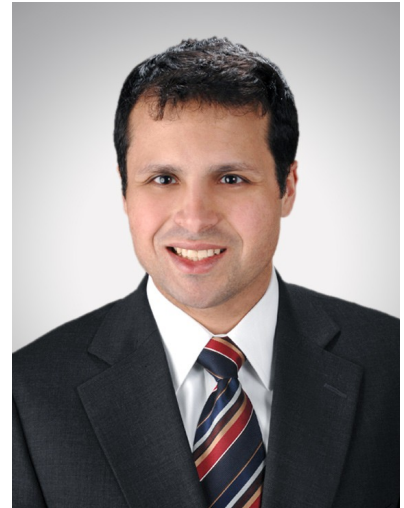
Brian A. Hartstein is a partner in the Labor & Employment Group at Quarles & Brady, representing and counseling management on a wide range of workplace issues, with an emphasis in employment discrimination litigation. His experience includes individual, class, and collective action litigation arising under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), the Fair Labor Standards Act (FLSA), the American with Disabilities Act (ADA) and other federal, state, and local employment laws. Mr. Hartstein also provides day to day counseling on employment matters for numerous clients in a variety of industries including, transportation, telecommunications, financial services and the sharing/gig economy. Representative experience includes the following:

#### COVID-19

- Assisted clients in preparing new pay and protected leave requirements due to the coronavirus or childcare interruptions under the Families First Coronavirus Response Act (FFCRA) and the employment-related provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.
- Prepared and advised upon remote workforce policies, procedures, management, and training.
- Provided advice and counsel to client on continuing and modifying operations in compliance with FLSA, FMLA, ADA, and COVID-19-related governmental requirements.
- Provided advice and counsel on reductions in force, furloughs, layoffs, and recalls.
- Advised clients on a myriad of return to work and business planning issues as they resume or increase operations.

#### Class/Collective Actions

- Defending against an EEOC enforcement action under the ADA challenging the termination and accommodation decisions for 134 employees.
- Serving as primary attorney representing an international energy provider in a purported class action alleging sex discrimination.
- Representing a medical equipment manufacturer in a 104 Plaintiff ADEA collective action, including the oversight of a large-scale electronic discovery process, dozens of depositions, and multiple expert witnesses.
- Representing a restaurant group against class and collective action claims regarding overtime payments under the FLSA and related state laws.



brian.hartstein@quarles.com

#### Chicago Office

Tel: (312) 715-5211

Fax: (312) 632-1796

- Representing a cellular phone carrier against class and collective action claims regarding misclassification of employees under the FLSA and related state laws.

### **Trade Secrets/Unfair Competition**

- Successfully obtaining injunctive relief for trucking brokerage business preventing a former C-suite executive from beginning work for a private equity backed competitor as their CEO in violation of a noncompete.
- Successfully obtaining injunctive relief for a shipping and logistic firm against a departed sales executive and his new employer after the executive misappropriated confidential trade secret information.
- Successfully obtaining injunctive relief for a beauty service provider against multiple former employees and their new employer who were actively misappropriating customers.
- Drafting numerous restrictive covenant agreements, including for financial/professional services, sales and tech industries.

### **Internal Investigations**

- Conducting multiple sensitive and executive-level internal investigations, including investigating a chief executive regarding purported misconduct and preparing an investigative report for the board of directors.
- Investigating senior executive regarding allegations of sexual harassment preparing report for C-Suite officers.

### **Other Services**

- Counseling and representing employers in matters related to human resources, preventing and defending lawsuits and administrative actions, and reductions in force and advising employers on current development employment laws, including FLSA, VESSA, FMLA, USERRA, Title VII, ADA, and ADEA.
- Defending employers against wage claims, discrimination claims, retaliation claims, and unemployment claims before the Equal Opportunity Commission (EEOC), Department of Labor (DOL), National Labor Relations Board (NLRB), Occupational Health and Safety Administration (OSHA), and various state agencies.
- Preparing comprehensive employment policies and handbooks for numerous employers in many states.
- Preparing executive and general employment contracts in the manufacturing, transportation, financial services, real estate, sharing economy and other industries.
- Providing labor and employment counseling and support on large-scale asset and stock purchases and other types of corporate

transactions.

In 2004, Mr. Hartstein served as a law clerk to Administrative Judge Rebecca Dickenson at the EEOC's Washington, D.C. Field Office.

### **Legal Services**

- Labor & Employment
- Banking & Financial Institutions
  - Labor & Employment for Financial Institutions
- Financial Institutions Litigation
- Trade Secrets and Unfair Competition

### **Education and Honors**

- Northwestern University, Kellogg School of Management, Certificate, Quarles & Brady Leadership Program (2018)
- Georgetown University Law Center (J.D., 2006)
- Cornell University (B.S., 2003)
  - Major: Industrial and Labor Relations

### **Bar Admissions**

- Illinois

### **Court Admissions**

- U.S. Court of Appeals, 7th Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Central District of Illinois

### **Professional Recognition**

- Selected as an Illinois Emerging Lawyer - *Law Bulletin Media*, 2015–present (Employment & Labor: Management)
- Selected for inclusion in *Illinois Super Lawyers*®—Rising Stars Edition (2012–2016: Employment & Labor)