

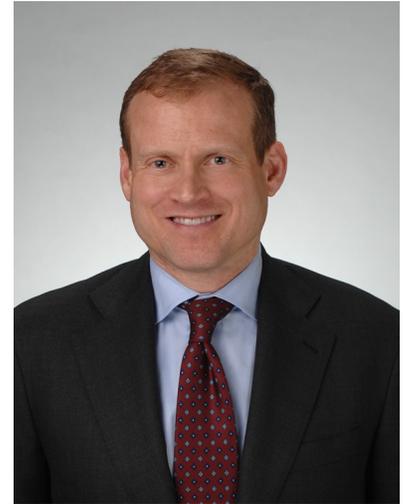
Gary R. Clark

Partner / Chicago Labor and Employment Group Chair

Gary Clark's practice focuses on all areas of labor and employment law, particularly employment-related litigation. His experience includes defending class actions under ERISA, the FLSA, the ADA and Title VII as well as high stakes complex litigation, such as EEOC enforcement actions, whistleblower matters and unfair competition/trade secret misappropriation matters. Gary also serves as a trusted business advisor and provides daily counsel on employment matters for numerous clients, including a global IT consulting firm and various educational and non-profit institutions. Gary employs a results-oriented approach that emphasizes crafting creative legal solutions to meet business needs.

Some of Gary's recent experience includes:

- Defending against an EEOC enforcement action under the ADA challenging the termination and accommodation decisions for 134 employees.
- Defending a nationwide Title VII class action alleging pregnancy discrimination on disparate impact and disparate treatment theories with regard to company's job accommodation policies.
- Successfully obtaining injunctive relief against a departed sales executive and his new employer after the executive misappropriated confidential trade secret information.
- Conducting internal investigations and counseling multiple clients regarding employee whistleblower matters.
- Defending a restaurant chain in a class and collective action alleging failure to pay overtime and unlawful deductions in violation of the FLSA and state laws.
- Defending a financial institution against multi-state class and collective allegations that it violated the FLSA and state laws by misclassifying a mortgage loan officer position as exempt.
- Representing a global IT firm in enforcing a non-compete agreement with regard to the departure of a high level executive to join a competitor.
- Defending an ERISA breach of fiduciary duty class action claim at trial and on appeal in *Green et al. v. UPS Health and Welfare Package for Retired Employees*, 595 F.3d 734 (7th Cir. 2010).
- Defending a package delivery client against allegations it violated the FLSA and state laws by misclassifying a management trainee position as exempt where the class and collective allegations involved thousands of employees on a nationwide basis.
- Defending package delivery client in class and collective action lawsuit involving 150 employees claiming that time spent passing



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through security, changing into uniforms and walking should have been compensable time under the FLSA and state law.

- Obtaining summary judgment on retaliation claims in *Michael v. United Parcel Service Freight*, 2015 WL 3396678 (N.D. Ill. May 26, 2015), *Shaddock et al. v. United Parcel Service*, 2011 WL 4452210 (N.D. Ill. Sept 26, 2011) and *Hampton v. United Parcel Service*, 2010 WL 582789 (S.D. Ind. Feb. 12, 2010).
- Obtaining summary judgment in race discrimination case and successfully defending result on appeal in *Ellis v. United Parcel Service*, 523 F.3d 823 (7th Cir. 2008).
- Obtaining a defense verdict in a jury trial for a client accused of defamation, where the plaintiff was seeking \$3 million in damages.
- Defending against class action claims asserting that client was a "joint employer" responsible for alleged violations of the FLSA, state laws, and RICO involving the alleged failure to pay overtime and full wages due without deductions. Purported class involved more than 1,000 individuals and multiple states.
- Obtaining dismissal of retaliatory discharge whistleblower claim brought by former in-house counsel, and successfully defending result on appeal in *Ausman v. Arthur Andersen LLP*, 348 Ill. App. 3d 781 (2004).

Legal Services

- [Labor & Employment](#)
- [Trade Secrets and Unfair Competition](#)
- [Data Privacy & Security](#)
- [ERISA Litigation](#)
- [Financial Institutions Litigation](#)
- [Trade Secrets](#)

Education and Honors

- Washington University in St. Louis School of Law (J.D., 1997)
- Northwestern University (B.A., 1994)

Bar Admissions

- Illinois
- Tennessee

Court Admissions

- U.S. Court of Appeals, 7th Circuit, 2003
- U.S. District Court, Northern District of Illinois, 2000
- U.S. District Court, Western District of Tennessee, 1997
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Central District of Illinois



Professional Recognition

- Listed in Chambers USA (2018, 2019: Labor and Employment)
- Illinois *Super Lawyers*®, Employment & Labor, 2014-2016, 2020, 2021
- Illinois *Super Lawyers*® Rising Stars, Employment & Labor, 2008-2011