

John A. Berg

Shareholder

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Focus Areas

Discrimination and Harassment
Unfair Competition and Trade Secrets
Leaves of Absence and Disability Accommodation
Whistleblowing, Compliance and Investigations
Labor Management Relations

Overview

John A. Berg litigates employment disputes. For two decades, John has defended discrimination, retaliation and harassment allegations, unfair competition and contract disputes, claims for unpaid wages and commissions, wage and hour class and collective actions, and traditional labor matters.

After learning to litigate from some of Chicago's most prominent labor and employment practitioners, John moved his practice to Portland, Oregon. Since 2011, John has brought his unique blend of grit and sophistication to bear in the courtrooms of Oregon, Washington, and beyond. Aggressive if necessary, measured where appropriate, and always diligent and prepared, John has amassed an impressive record of success defending employers. He has won summary judgment repeatedly, prevailed in front of juries, obtained full defense awards in arbitration, successfully litigated temporary restraining orders and preliminary injunctions, and has won on appeal where necessary.

Among his jury trial experiences, John defeated the Equal Employment Opportunity Commission in a religious accommodation case in the U. S. District Court, Western District of Michigan. In a recent arbitration, John delivered total vindication to his client in a multi-million dollar contract dispute.

John's current traditional labor practice focuses on labor arbitrations and unfair labor practice charges before the National Labor Relations Board, with a background in defending employers in lawsuits concerning unlawful picketing and breach of bargaining agreements.

When John advises and counsels employers, it is often in anticipation of near-certain litigation or combined with the development of facts as litigation proceeds. Typical issues in John's advice practice include non-competition agreements and other restrictive covenants, trade secret misappropriation, and employee leaves and accommodations. Whatever the issue, his approach tends to be creative, strategic, and carefully tailored to meet the client's objectives.

Selected Matters

Employment

- *Hutchison v. McFarland Cascade Pole & Lumber Co.*, 2016 U.S. Dist. LEXIS 79754 (D. Or., June 20, 2016)
- *Hinex v. Durham School Services, et al.*, 2013 U.S. Dist. LEXIS 107919 (C.D. Cal., July 29, 2013)
- *DesAutel v. Tetra Tech EC, Inc.*, 2012 U.S. Dist. LEXIS 11032 (E.D. Wa. 2012)
- *DesAutel v. Tetra Tech EC, Inc.*, 2013 U.S. App. LEXIS 24648 (9th Cir. 2013)
- *Reese v. Robert Bosch Corp.*, 2006 U.S. Dist. LEXIS 57159 (W.D. Mich. 2006)
- *Becker v. Am. Food & Vending, Inc.*, 2006 U.S. Dist. LEXIS 28266 (E.D. Mo. 2006)
- *EEOC v. Robert Bosch Corp.*, 169 Fed. Appx. 942 (6th Cir. 2006)
- *Moore v. Dept. of Veterans Affairs*, 2002 U.S. Dist. LEXIS 23772 (N.D. Ill. 2002)

Unfair Competition

- *Currin v. Presidio Network Solutions*, No. 3:16-cv-02177-BR (D. Or., Mar. 7, 2018)
- *Jones v. All Star Staffing*, No.16CV41870 (Wash. Cty. Or., Feb. 1, 2017)
- *LKQ Corporation v. Thrasher*, 2011 U.S. Dist. LEXIS 54852 (N.D. Ill. 2011)
- *Londoff v. Walnut Street Sec., Inc.*, 209 S.W.3d 3 (Mo. App. E.D. 2006)

Wage and Hour

- *Kiley, et al., v. MedFirst Healthcare Staffing*, 2018 U.S. Dist. LEXIS 29 (N.D. Ala., Feb. 23, 2018)
- *Berger, et al. v. DIRECTV*, 2015 U.S. Dist. LEXIS 128749 (D. Or., Aug. 21, 2015)
- *Londoff v. Walnut Street Sec., Inc.*, 209 S.W.3d 3 (Mo. App. E.D. 2006)

Traditional Labor

- *McCaslin v. Int'l Bhd. of Teamsters, Local 135, et al.*, 2005 U.S. Dist. LEXIS 11405 (S.D. Ind. 2005)
- *Engineering Consulting Serv., Ltd. v. Int'l Bhd. of Operating Engineers, Local 150*, 2003 U.S. Dist. LEXIS 19348 (N.D. Ill. 2003)

Recognition

- Named, The Best Lawyers in America®, 2020-2025

Education

J.D., Loyola University Chicago School of Law, 1998, *cum laude*

B.A., Miami University, 1994

Bar Admissions

Oregon

Illinois

Washington

Courts

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 9th Circuit

Oregon Supreme Court

Illinois Supreme Court

Washington State Supreme Court

U.S. District Court, Western District of Washington

U.S. District Court, District of Oregon

U.S. District Court, Northern District of Illinois

U.S. District Court, District of Colorado

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Michigan

Publications & Press

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

Littler's Portland Office Continues Growth with the Addition of L&E Litigator John A. Berg

Littler Press Release

May 15, 2014

The Natural Reaction to False Accusations: A Catch-22 in Workplace Retaliation Claims

Chicago Bar Association Magazine

2009

Speaking Engagements

Protected Concerted Activity Under Section 7 of the NLRA: How to Spot It, Honor It, and Avoid Unfair Labor Practice Charges

May 19, 2021

#NotYouToo: Conducting Workplace Investigations in the Aftermath of #MeToo

Mid-Valley Society for Human Resource Management, Corvallis, OR

October 25, 2018

Key Issues for Employers in the First Year of the New Administration

Portland, OR

December 1, 2016

Employee Defection and Trade Secrets

Firm Presentation, Portland, OR

April 17, 2014

ADA and FMLA Update: The Evolution of the Americans with Disabilities Act

5th Annual Labor & Employment Law Conference - The Seminar Group, Portland, OR

October 25, 2013

Top Ten Misconceptions That Get Employers Sued

Firm Presentation, Portland, OR

October 17, 2013

Hiring and Terminating Employees in the Current Economy

8th Annual Fundamentals of Employment Law - Sterling Education Services, Portland, OR

June 20, 2013

Accommodations and the ADA: Practical Solutions to Real Workplace Challenges

Firm Presentation, Portland, OR

April 23, 2013

Unlawful Workplace Harassment

Employment Law Update - Lorman Education Services, Boise, ID

December 7, 2012

Rightful Discharge

Employment Law Update - Lorman Education Services, Boise, ID
December 7, 2012

ADA and FMLA Update: The Evolution of the Americans with Disabilities Act

4th Annual Labor & Employment Law Conference - The Seminar Group, Portland, OR
November 2, 2012

Managing the Evolving Electronic Workplace

Firm Presentation, Chicago, IL
April 14, 2011

Books & Book Chapters

- Federal Venue, Federal Civil Procedure Practice Handbook, *Illinois Institute of Continuing Legal Education*, Chapter Co-Author, 2000