

A. Michael Weber

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Focus Areas

Class Actions
Wage and Hour
Litigation and Trials
Whistleblowing and Retaliation
Alternative Dispute Resolution

Overview

Michael Weber provides 24/7 service and pragmatic advice to clients – managers, human resources professionals and in-house employment counsel. He assists clients with human resources issues, including decisions concerning hiring, firing, promotions, compensation, and leaves.

As a highly-experienced employment law trial lawyer, Michael has successfully defended clients in scores of individual, class and collective actions; hundreds of mediations and arbitration proceedings; and achieved multiple defense verdicts in state and federal courts involving claims of:

- Discrimination and harassment
- Violations of wage and hour laws
- Negligence in hiring, supervision, and retention
- Breach of contract
- Negligent and intentional infliction of emotional distress

In addition to his litigation practice, Michael counsels employers on effective strategies for avoiding litigation and prepares them for litigation when unavoidable. He represents clients in cases involving:

- Restrictive covenant litigation
- Whistleblower defense
- Alternative dispute resolution

- Arbitrations
- Wrongful termination
- Breach of contract
- Employee benefits
- Wage and hour violations
- Discrimination issues

Michael has extensive experience working with companies in the following industries:

- Insurance
- Hospitality
- Retail
- Financial services
- Staffing
- Healthcare
- Transportation

Michael frequently speaks throughout the country on contemporary labor and employment law topics. He is regularly interviewed by the press and has been published in major national trade publications. His views and opinions are valued by senior management and employee relations professionals throughout the country. Michael is founder of the firm's New York office and a member of Littler's Board of Directors.

Selected Matters

- *Mercer Health & Benefits LLC v. DiGregorio*, 307 F. Supp. 3d 326, (S.D.N.Y. 2018): obtained a temporary restraining order and a preliminary injunction preventing former employees from soliciting Mercer customers.
- *Lawson v. Avis Budget Car Rental, LLC*, 194 F. Supp. 3d 301 (S.D.N.Y. 2016): successful motion for summary judgment in a disability discrimination and retaliation matter.
- *Marsh USA Inc. v. Schuhriemen*, 183 F. Supp. 3d 529 (S.D.N.Y. 2016): obtained a temporary restraining order and a preliminary injunction enjoining former employee from violating non-solicitation agreement.
- *Yang v. Navigators Group, Inc.*, 155 F. Supp. 3d 327 (S.D.N.Y. 2016): successful motion for summary judgment against claims of violations of the anti-retaliation provision of the Sarbanes-Oxley Act and the whistleblower protection provision of the Dodd-Frank Act.
- *Gonder v. Dollar Tree Stores, Inc.*, 144 F. Supp. 3d 522 (S.D.N.Y. 2015): motion to dismiss complaint and compel arbitration in a race discrimination and retaliation matter granted.
- *Tanen v. Douglas Elliman, LLC*, 2015 WL 6746693 (N.Y. Sup. Nov. 2, 2015): obtained motion for summary judgment and dismissal of complaint alleging claims of breach of contract; breach of implied covenant of good faith; violation of Article 6 of the New York Labor Law; quantum meruit and unjust enrichment; and conversion.
- *Forte v. Liquidnet Holdings, Inc.*, 2015 WL 5820976 (S.D.N.Y. Sept. 30, 2015), *aff'd*, 675 Fed. Appx. 21, 2017 WL 104316 (2d Cir. Jan. 10, 2017): motion for summary judgment in a gender discrimination matter granted.

Professional and Community Affiliations

- Member, Labor and Employment Section, American Bar Association
- Member, New York City Bar Association
- Editorial Advisor, Hospitality Law

Recognition

- Named, The Best Lawyers in America®, 2013-2021
- Named, Client Service All Star, *BTI*, 2020

Education

J.D., New York Law School

B.A., Alfred University

Bar Admissions

New York

Courts

U.S. Supreme Court

U.S. Court of Appeals, 2nd Circuit

U.S. District Court, Northern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, Western District of New York

U.S. District Court, Southern District of New York

Publications & Press

Littler Attorneys Recognized by BTI Consulting and Lawdragon

Littler Press Release

December 15, 2020

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

Littler Press Release

August 20, 2020

Firms consider COVID waivers before bringing workers back onsite

Business Insurance

August 5, 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

Court Voids Hotel's Compensation Agreement with Housekeeper

Hospitality Law

December 1, 2018

Not Everyone Cheers Kirkland's Move to End Associate Arbitration Policy

New York Law Journal

November 27, 2018

Be Careful What You Ask for in Employment Arbitration: The Case for Offers of Judgement

New York Law Journal

November 2, 2018

Wyoming High Court Finds No Ambiguity in Employment Agreement

Hospitality Law

November 2, 2018

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Why Three Big Law Firms Ended Use of Mandatory Arbitration Clauses

ABA Journal

June 1, 2018

Will Law Firms Bow to Pressure to End Mandatory Arbitration?

Law.com

May 24, 2018

Orrick Follows Munger Tolles in Dropping Mandatory Arbitration Agreements: Will More Firms Follow?

ABA Journal

March 28, 2018

Employment Arbitration: A Practical Assessment of Advantages and Disadvantages

New York Law Journal

November 27, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

Former Fast-Food Worker Loses Sexual Harassment Appeal

Hospitality Law

August 1, 2017

Medical Marijuana Caregiver's Age Claim Goes Up in Smoke

Hospitality Law

July 1, 2017

Offer to Grant Leave Deemed Reasonable Request for Employee

Hospitality Law

June 1, 2017

Mandatory Arbitration Agreements: To Be or Not to Be

New York Law Journal

January 11, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

NYC Businesses Face Unintended Consequences From New Overtime Rules

Crain's New York Business

June 8, 2016

6 Ways to Protect the Company from Whistleblowers

Corporate Counsel

September 2, 2015

Proposed DOL Rule Could Have Significant Impact On Staffing

Hospitality Law

September 1, 2015

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler Press Release

August 18, 2015

Seasonal Employees Can Bring Not-So-Merry Risks

Compliance Week

December 9, 2014

Wage and Hour Errors Common at Small Employers

Society for Human Resource Management (SHRM)

November 19, 2014

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition

Littler Press Release

August 18, 2014

7 Rulings Hospitality Attys Are Thankful For In 2013

Law360.com

November 26, 2013

Employers On Alert As US, NY Regulators Join Forces

Law360.com

November 19, 2013

Rainmaker Q&A: Littler's Michael Weber

Law360.com

September 17, 2013

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Littler Press Release

August 15, 2013

Which Employees Can Have Their Hands in the Tip Jar? Finally Some Clarification

Littler Insight

July 1, 2013

Dynamic Year Expected in Labor and Employment Law

Expert Guide - Labour & Employment Law 2013

May 2013

Paid-sick-leave saga is hardly over

Crain's New York Business

March 31, 2013

Michael Weber: When lawyers are the only winners

Crain's New York Business

September 16, 2012

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Littler Press Release

September 7, 2012

Dads get a break in new Bloomie's contract

Crain's New York Business

May 2, 2012

Are Law Firms Long-Term Greedy Enough?

ABA Journal

February 3, 2011

Labour and Employee Benefits Handbook

Practical Law Company

October 28, 2010

Responding to the Expanding City and State Human Rights Laws

New York Law Journal

January 29, 2010

Michael Weber Cautions Employers on Cost Cutting Method

The New York Times

May 6, 2009

RIF: Carrying Out a Reduction in Force so the Savings Outweigh the Costs of Litigation

New York Law Journal

March 23, 2009

Class Action Communications

New York Law Journal

October 16, 2008

And You Thought the Bailout Was Bad: Employment Law Risks in the Current Financial Crisis

Littler Insight

October 13, 2008

Rise of ADR for Workplace Disputes

New York Law Journal

July 17, 2008

Leading the Way in E-Discovery

New York Law Journal

April 17, 2008

A. Michael Weber Discusses Changes in the Nature of Noncompete Agreements

New York Law Journal

January 17, 2008

A "No-Surprises" Approach to Lowering Risk of a Wrongful Termination Lawsuit

Entrepreneur.com

September 1, 2007

Legal Publisher PLC Recognizes Littler Attorneys Casey, Tice-Wallner, Tisch, and Weber

2005-06 Global Counsel Handbook

January 18, 2006

Speaking Engagements

Two Hot Topics: Mandatory Arbitration, and Separation / Confidentiality Agreements

New York, NY

November 3, 2016

Testimony on Mandatory Arbitration Clauses in Employment Matters

New York State Assembly Standing Committee on Consumer Affairs and Protection and Assembly Standing Committee on Judiciary, Public Hearing, New York, NY

February 10, 2016

Corporate Compliance & Financial Services Update

New York, NY

November 19, 2015

Mandatory Arbitration of Employment Disputes — A Littler Debate

New York, NY

February 25, 2014

Brinker - The Final Decision: Hospitality

April 26, 2012

Tips, Tip Pooling, and Tip Credits: What Service Employers Need to Know

New York, NY

May 2, 2011

New York Employment Law Update 2009

New York, NY

October 6, 2009

Books & Book Chapters

- *PLC Cross-Border Labour and Employee Benefits Handbook, United States Chapter, 2008-2009*