



## Darren E. Nadel

Shareholder

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## Focus Areas

Unfair Competition and Trade Secrets  
ERISA and Benefit Plan Litigation  
Litigation and Trials  
Business Restructuring and M&A  
Energy

## Overview

Darren E. Nadel represents employers nationally in complex litigation and employment law. He represents clients in high risk, high value cases involving trade secrets and unfair competition, employee benefits litigation and whistleblower and Sarbanes Oxley matters.

Darren has represented employers in litigation brought under:

- Trade secrets and unfair competition laws
- The Employee Retirement Income Security Act
- Sarbanes-Oxley and other whistleblower laws
- Wage and hour laws
- Anti-discrimination laws
- Various common law theories

Darren frequently presents and recently authored materials on employment law topics including the various agreements employers enter into with their executives and employees, trade secrets and unfair competition litigation, and ERISA litigation.

Prior to joining Littler Mendelson, Darren worked as in-house counsel at a Fortune 100 company where he served as vice president responsible for employment and labor law. That experience gives him a unique insight into working with his clients to understand and help them realize their corporate goals.

## Professional and Community Affiliations

- Recipient, Economics Department Citation, University of California, Berkeley

## Recognition

- Named, The Best Lawyers in America®, 2014-2024
- Named, Lawyer of the Year, Denver, *The Best Lawyers in America*®, 2020, 2024
- Named, America's Leading Lawyers for Business, *Chambers USA*, 2013-2020
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*

## Education

J.D., University of California, Berkeley, School of Law, 1991

B.A., University of California, Berkeley, 1987, *With Honors and Distinction*

## Bar Admissions

Colorado

California

## Courts

U.S. Supreme Court

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, 10th Circuit

## Publications & Press

**Fourth Circuit Establishes New Standards for Plaintiffs Seeking Unjust Enrichment as an Equitable Remedy under ERISA**

*Littler Insight*

October 5, 2023

**Colorado Court of Appeals Decision Underscores How Employer's Prior Breach of an Employment Agreement May Excuse an Employee from Complying with Post-Employment Obligations**

*Littler ASAP*

July 18, 2023

**Producers of Creative Work Beware**

*Littler ASAP*

October 7, 2021

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

*Littler Press Release*

August 19, 2021

**Littler Ranked in Chambers USA Guide 2021**

*Littler Press Release*

May 27, 2021

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

*Littler Press Release*

August 20, 2020

**Colorado Enacts Public Health Emergency Whistleblower (PHEW) Law Protecting COVID-19 Workplace COPs**

*Littler Insight*

July 23, 2020

**“Medical Necessity” Isn’t Well-Defined Unless It Is Well-Defined**

*Littler ASAP*

December 6, 2019

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

*Littler Press Release*

August 15, 2019

**Full and Fair Review Requirement under ERISA Gets a Full and Fair Review**

*Littler ASAP*

August 8, 2019

**Colorado Court Decides Issue of First Impression on Restrictive Covenants**

*Littler ASAP*

August 7, 2019

**Does Jander Signal the Liberalization of Pleading Standards in Stock-Drop Cases? Signs Point to No**

*Littler Insight*

July 25, 2019

**Littler Ranked in 2019 Chambers USA Guide**

*Littler Press Release*

April 25, 2019

**Fifth Circuit Opines on when Claims may be Properly Maintained under ERISA § 502(a)(1)(B) Versus § 502(a)(3)**

*Littler Insight*

November 8, 2018

**Seventh Circuit Opines on "Reasonable Factor Other Than Age" Defense to ADEA Claim Stemming from Benefit Plan Elimination**

*Littler Insight*

September 26, 2018

**Best Lawyers in America® 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

**Victory for NYU After First Trial in the 401(k) Fee Cases Filed Against Colleges and Universities**

*Littler Insight*

August 10, 2018

**Littler Ranked in 2018 Chambers USA Guide**

*Littler Press Release*

May 15, 2018

**‘Onionhead’ Litigation Heads Toward Jury Trial**

*SHRM Online*

December 7, 2017

**Tenth Circuit Significantly Narrows Scope of Injunction Cases Where Irreparable Harm is Presumed**

*Littler ASAP*

November 6, 2017

**Best Lawyers in America® 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

**Tenth Circuit Departs From Other Circuit Courts and Holds Plaintiff Bears the Burden of Proving Causation in ERISA Breach of Fiduciary Duty Cases**

*Littler ASAP*

June 20, 2017

**Littler and Its Attorneys Receive Top Rankings in 2017 Chambers USA Guide**

*Littler Press Release*

May 26, 2017

**Company Practices "Onionhead" – Employees Cry Reverse Religious Discrimination**

*Littler Insight*

October 13, 2016

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

*Littler Press Release*

August 16, 2016

**Chambers USA Recognizes Littler and Attorneys in 2016 Guide**

*Littler Press Release*

May 27, 2016

**Penne for Your Thoughts: A Ruling on Pastafarianism and Religious Freedom**

*Corporate Counsel*

May 2, 2016

**Claims to Accommodate Flying Spaghetti Monster-ism Hit the Wall in Nebraska Court**

*Littler Insight*

April 25, 2016

**Utah Enacts Post-Employment Restrictions Act**

*Littler ASAP*

March 31, 2016

**Supreme Court to Review Birth Control Mandates Under Affordable Care Act Once More**

*Littler ASAP*

November 9, 2015

**Littler Attorneys Recognized in the Best Lawyers in America® 2016 Edition**

*Littler Press Release*

August 18, 2015

**Supreme Court Rules Plan Fiduciaries Owe a Fiduciary Duty to Periodically Review Plan Investments**

*Littler Insight*

May 29, 2015

**Chambers USA Recognizes Littler and Its Attorneys**

*Littler Press Release*

May 20, 2015

**Ninth Circuit Reverses Course in ERISA Case**

*Littler ASAP*

December 19, 2014

**Ninth Circuit Rules Assignee Health Care Providers May Sue Health Plans Under ERISA for Payment of Benefits**

*Littler Insight*

December 3, 2014

**Ninth Circuit Joins First Circuit in Finding that the Elimination of a Pension Transfer Option does not Violate ERISA's Anti-Cutback Rule**

*Littler Insight*

October 6, 2014

**Agencies Issue New Regulations Governing ACAs Contraception Mandate**

*Littler ASAP*

August 29, 2014

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

*Littler Press Release*

August 18, 2014

**Supreme Court Rules in Favor of Hobby Lobby, Opens Door to Religious Objections to Statutes Covering Employers**

*Littler Insight*

July 7, 2014

**ACA Supporters, Opponents React To Supreme Court's Contraception Decision**

*Bloomberg BNA Daily Labor Report*

June 30, 2014

**Federal appeals court disability leave ruling conflicts with EEOC stance**

*Business Insurance*

June 22, 2014

**Ninth Circuit Uncharacteristically Takes the Lead in Limiting Plaintiffs' Rights to Recover for Breach of Fiduciary Duty under ERISA**

*Littler Insight*

June 16, 2014

**Tenth Circuit Says a Leave of Absence of More than Six Months Is Virtually Never a Required Accommodation**

*Littler Insight*

June 6, 2014

**Littler and Its Attorneys Ranked In 2014 Chambers USA Guide**

*Littler Press Release*

May 23, 2014

**Taking confidential documents riskier for whistleblowers following New Jersey ruling**

*Thomson Reuters Westlaw Employment Journal*

March 18, 2014

**Supreme Court Enjoins Federal Government From Enforcing Birth Control Mandate As to Religious Institutions**

*Littler ASAP*

January 31, 2014

**New Jersey Court Rules Individual Can Be Criminally Prosecuted for Taking Confidential Information to Support Civil Whistleblower Claims**

*Littler Insight*

January 15, 2014

**Birth Control Mandate Challenge Heads To Supreme Court**

*Law360.com*

December 9, 2013

**Religious exceptions -- ACA, ENDA and when a business has beliefs**

*Employee Benefits News (ebn)*

December 6, 2013

**Five Appellate Court Decisions Regarding The ACA Birth Control Mandates Have Created A Deep Circuit Split, Increasing the Odds for Supreme Court Review**

*Littler ASAP*

November 14, 2013

**Littler Attorneys Named in Best Lawyers in America® 2014 Edition**

*Littler Press Release*

August 15, 2013

**Federal Court Enjoins Enforcement of Contraception Mandate**

*Littler ASAP*

July 22, 2013

**Tenth Circuit Rules in Favor of Religious For-Profit Corporations in Birth Control Litigation under the Affordable Care Act**

*Littler ASAP*

July 9, 2013

**Tenth Circuit is First Circuit to Determine Remedies for Violation of ERISA Section 204(h) Notice Requirements**

*Littler ASAP*

July 8, 2013

**Tenth Circuit is First Circuit to Determine Remedies for Violation of ERISA Section 204(h) Notice Requirements**

*Littler Insight*

July 5, 2013

**Tenth Circuit Rules in Favor of Religious For-Profit Corporations in Birth Control Litigation under the Affordable Care Act**

*Littler Insight*

July 5, 2013

**Tenth Circuit Adopts a Broad View of What Constitutes Protected Activity Under Sarbanes-Oxley**

*Littler Insight*

June 21, 2013

**Littler Mendelson Named in the 2013 Chambers USA Guide**

*Littler Press Release*

May 24, 2013

**Court upholds employee termination 2 days after FMLA request**

*Employee Benefit News*

December 28, 2012

**Tenth Circuit Upholds Employee Termination 2 Days After FMLA Leave Request**

*Littler Insight*

December 10, 2012

**ERISA Class Certification in The Wake of Dukes And Amara**

*The Corporate Counselor*

May 1, 2012

**Ninth Circuit Clarifies the Scope and Application of “Surcharge” and “Reformation” Remedies Under ERISA**

*Littler ASAP*

March 19, 2012

**Second Circuit Holds that Dukes Prohibits Certification of ERISA Claim Under Rule 23(b)(2)**

*Littler ASAP*

February 15, 2012

**Pension court ruling comes down, provides new guidance**

*Employee Benefit News*

October 21, 2011

**Tenth Circuit Puts One More Nail in the Coffin for Cash Balance Plan Litigation**

*BNA Pension & Benefits Daily*

October 19, 2011

**Littler Wins Appellate Ruling for El Paso in Pension Plan Dispute**

*The Am Law Litigation Daily*

August 12, 2011

**Ninth Circuit Broadens Scope of Entities that Can Be Sued for ERISA Plan Benefits**

*Littler Insight*

June 29, 2011

**Take It Or Leave It: Continued Employment Sufficient Consideration To Support Colorado Noncompetition Agreement With At-will Employee**

*Littler ASAP*

June 20, 2011

**Colorado Supreme Court Holds Continued Employment Is Sufficient Consideration for Noncompetition Agreement**

*Littler Insight*

June 15, 2011

**Whether a Manufacturing Process is a Trade Secret Must Be Considered in the Aggregate**

*Littler Insight*

September 4, 2009

**Colorado Court Provides Guidance On Enforceability of Covenants Not to Compete Against "Management Personnel"**

*Littler Insight*

July 1, 2009

**Continued At-Will Employment Does Not Constitute Consideration for Noncompete Agreements in Colorado**

*Littler Insight*

June 19, 2009

**Colorado Court Clarifies When Covenants Not to Compete and Solicit Customers and Employees May Be Enforced Against Executives, Managers and Their Professional Staff**

*Little Insight*

August 13, 2007

**Colorado Division of Labor Issues Important Clarification of Management Overtime Exemption Test**

*Little Insight*

October 31, 2005

**SEC Turns Up the Heat on 401(k) Fiduciaries**

*Little Insight*

August 1, 2004

## **Speaking Engagements**

**Session 7: COVID-19 Challenges to Restrictive Covenants and Protecting IP**

October 1, 2020

**2020 Virtual Benefits Symposium: Addressing Issues in the New Normal**

September 17, 2020

**Federal Employment Law Update**

2019 Rocky Mountain Employer Conference Denver, CO

October 4, 2019

**What to Do When a Whistleblower Steals Confidential Information**

Rocky Mountain Employer Conference

September 21, 2018

**Litigating EPLI Claims: A Primer on Key Requirements in Your EPLI Policy and Strategies For Winning Insured Cases**

Denver, CO

April 26, 2018

**Living on the Edge of Fair Competition in the Labor Market Nationwide**

Little, Denver CO

October 3, 2017

**2016 Rocky Mountain Employer Conference**

Denver, CO

September 21, 2016

**Colorado Employment Law Update: What's New and Trending**

Rocky Mountain Employer Conference

September 21, 2016

**Retirement Plans Under Attack by Plan Participants and Government Agencies: An Action Plan for Employers**

May 5, 2016

**The 2014 Rocky Mountain Employer Conference**

Denver, CO

October 30, 2014

**Hiring Senior Executives From Both A Talent Search And Legal Perspective**

Denver, CO

June 11, 2013

**Workplace Diversity and Discrimination Claims**

Denver, CO

June 14, 2012

**Employee Benefits The Shifting Landscape of Employee Benefits – Imperatives for 2012**

New York, NY

March 27, 2012