

Matthew J. Hank

Shareholder

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Focus Areas

Unfair Competition and Trade Secrets
Wage and Hour
Discrimination and Harassment
Class Actions
Appellate Practice

Overview

Matthew J. Hank defends employers in, and counsels employers concerning, wage-and-hour class actions, discrimination and harassment cases, and actions regarding trade secrets and covenants not to compete. He approaches each matter with the judgment formed by over 16 years of employment practice and with the discipline he honed as both a lawyer and an Army officer.

Representative cases include these:

- *Joseph v. Quality Dining, Inc.*, 244 F. Supp. 3d 467 (E.D. Pa. 2017) and *Cicero v. Quality Dining, Inc.*, No. 1–16–cv–05806, 2017 WL 1217132 (D.N.J., Apr. 03, 2017). Lead defense counsel for the employer in two hybrid collective and class actions regarding whether expeditors could be in a valid tip pool under federal and state wage law. Successfully dismissed both lawsuits without prejudice to individual arbitration following removal (*Joseph*) and transfer of venue (*Cicero*).
- *Dickerson v. KeyPoint Government Solutions, Inc.*, No. 16–657, 2017 WL 5755099 (D. Del. Nov. 28, 2017). Lead counsel for the employer in case involving various theories of discrimination and common-law claims. Won summary judgment on the ground that plaintiff lacked evidence to support any of these theories.

- *Mazarki v. Bright Horizons Children’s Centers LLC*, No. 3:16-1885, 2018 WL 3207379 (M.D. Pa. June 29, 2018). Lead counsel for the employer in an age-discrimination case. Won summary judgment on the ground that plaintiff lacked evidence of pretext.

Matthew has counseled employers on how to:

- use payroll debit cards in compliance with state and federal law
- reduce exposure to misclassification claims
- reduce exposure to class actions
- structure noncompetes and other post-employment restrictions

Previously, Matthew served as a law clerk for the Hon. Daniel Manion, U.S. Court of Appeals for the Seventh Circuit, and for the Hon. Paul V. Gadola, U.S. District Court for the Eastern District of Michigan.

Professional and Community Affiliations

- Member, Executive Committee, Labor and Employment Group, Federalist Society
- President, Philadelphia Lawyers Chapter, Federalist Society

Recognition

- Named, Rising Star in Employment Litigation, Pennsylvania, *Super Lawyers*, 2008, 2010, and 2011
- Recipient, Jacob Burns Award for Appellate Advocacy
- Recipient, Minerva and Emil V. Novak Prize in Government and Law

Education

J.D., George Washington University Law School, 2000, *With Honors*

B.A., Lafayette College, 1993, *cum laude*

Bar Admissions

Pennsylvania

New Jersey

Courts

U.S. Court of Appeals, 3rd Circuit
U.S. Court of Appeals, 4th Circuit
U.S. Court of Appeals, 9th Circuit
Pennsylvania Supreme Court
Superior Court of Pennsylvania
Commonwealth Court of Pennsylvania
U.S. District Court, Eastern District of Pennsylvania
U.S. District Court, Middle District of Pennsylvania

Publications & Press

Decision by Federal Court in Pennsylvania Questions Prevailing View that Judicial Approval is a Prerequisite to Settling Individual FLSA Claims

Littler ASAP

July 25, 2022

Littler Launches New Affinity Group for Veterans

Littler Press Release

November 11, 2021

Pro Bono Week Podcast – Veterans Consortium: Appellate Work for Veterans

Littler Podcast

October 26, 2021

Supreme Court Narrows the Scope of Claims Available Under the Computer Fraud and Abuse Act

Littler ASAP

June 8, 2021

Recent Amendments to the Pennsylvania Constitution Foreshadow the End of Statewide COVID-19 Orders in Pennsylvania

Littler ASAP

May 25, 2021

New Criminal Prosecutions Under Pennsylvania Wage Laws Pose a Major Threat to Contractors

Littler ASAP

May 7, 2021

Philadelphia Enacts Anti-Retaliation Ordinance for COVID-19 Workplace Complaints

Littler ASAP

July 23, 2020

Third Circuit Reverses Class Certification of Unpaid Overtime Claims in Off-The-Clock Lawsuit

Littler ASAP

January 22, 2019

New Pennsylvania Law Clarifies the Use of Payroll Debit Cards

Littler ASAP

November 10, 2016

Pennsylvania Supreme Court Holds Uniform Written Obligations Act Does Not Allow Employer To Enforce Noncompete Unsupported By Consideration

Littler ASAP

November 23, 2015

Employers Paying Wages With Debit Cards Save Money But May Face Legal Hurdles

Bloomberg BNA Daily Labor Report

October 16, 2015

Baker's Trade Secret Lawsuit Does Not Lead to 'Sweet' Dreams

Littler Insight

August 14, 2015

U.S. Supreme Court Rejects the Yard-Man Inference Vesting Lifetime Benefits for Union Retirees

Littler Insight

January 28, 2015

Pennsylvania Opinion Highlights Need to Ensure Appropriate Geographic Scope and to Lay Groundwork for Protecting Interest in Specialized Training in Noncompetes

Littler ASAP

August 22, 2014

Illinois Statute Clarifies Circumstances When Employers May Pay Wages Via Payroll Debit Cards

Littler ASAP

August 13, 2014

Sleepy's Drivers Take Misclassification Fight To NJ High Court

Law360.com

March 17, 2014

New Case Provides Lessons That May Help Companies Avoid Pitfalls When Structuring Independent Contractor Relationships

Littler Insight

November 8, 2013

New Jersey Opinion Calls Into Question Use of Computer Fraud and Abuse Act to Prosecute Disloyal Employee In Third Circuit

Littler ASAP

August 29, 2013

Recent Decision Provides Roadmap for Remediating Late CAFA Notices

Bloomberg BNA Class Action Litigation Report

May 10, 2013

Plaintiffs must provide evidence of actual damages, even when employer doesn't keep accurate time records

Employee Benefits News (ebn)

May 3, 2013

Littler Scores Big Win In FLSA Meal Break Suit

Littler Press Release

February 14, 2013

FLSA Class Nixed In ManorCare Meal Break Suit

Law360.com

February 1, 2013

FLSA Court Decertifies Nationwide FLSA Action; ManorCare Workers Not Similarly Situated

Bloomberg BNA

February 1, 2013

Fourth Circuit Joins Courts Limiting Employers' Use of the Computer Fraud and Abuse Act to Prosecute Disloyal Employees

Littler Insight

August 6, 2012

Fourth Circuit Joins Courts Limiting Use of Computer Fraud and Abuse Act to Prosecute Disloyal Employee

Littler ASAP

August 2, 2012

The Third Circuit Sets Forth New Test for Joint-Employer Status Under the FLSA

Littler Insight

July 12, 2012

Michigan Federal Court Limits Use of Computer Fraud and Abuse Act to Prosecute Disloyal Employee

Littler ASAP

June 12, 2012

Seventh Circuit Case Highlights Importance of Documenting Steps to Maintain Privacy of Trade Secrets

Littler ASAP

April 10, 2012

Defense Attorneys' Fee Standards Set in Pennsylvania Trade Secret Suits

Littler Insight

January 17, 2012

Pennsylvania Court Clarifies When Attorneys' Fees May Be Imposed For Bad-Faith Prosecution Of Misappropriation Of Trade Secrets

Littler ASAP

January 10, 2012

Cat's paw case leaves imprint on proper employee termination steps

InsideCounsel

November 1, 2011

Court Clarifies Best Way to Plead Inevitable Disclosure

Littler ASAP

September 19, 2011

Third Circuit Examines Cat's Paw Retaliation Theory

Littler Insight

August 23, 2011

U.S. Supreme Court Sets New Guidelines for Recovery of Legal Fees for Frivolous Civil Rights Claims

Littler Insight

June 9, 2011

Pennsylvania Court Concludes that Firing for Use of N-Word May Be Unlawful as Reverse Discrimination

Littler Insight

January 19, 2011

Littler Mendelson Announces the Promotion of 14 Associates to Shareholders

Littler Press Release

January 3, 2011

New Pennsylvania Law Penalizes Construction Industry Employers Who Misclassify Workers

Littler Insight

October 20, 2010

Third Circuit Holds that Flat-Rate Commissions May Qualify for Retail Commission Exception to FLSA's Overtime Requirements

Littler Insight

September 9, 2010

Speaking Engagements

Preparing the Groundwork to Enforce Non-Competes

ACC Webinar - Employment & Labor CLE Institute

February 23, 2021

Writing, Introducing and Enforcing Arbitration Agreements in Employment

Pennsylvania Bar Institute, Philadelphia, PA

April 2017

Implementing the New Overtime Rule - July 20, 2016

Philadelphia, PA

July 20, 2016

Implementing the New Overtime Rule - July 13, 2016

Philadelphia, PA

July 13, 2016

Age Discrimination: Understanding the Basics, Complying with the Law, and Knowing What To Do When You've Been Sued

Pennsylvania Bar Institute, Philadelphia, PA

April 2016

DOL's Proposed Changes to the White Collar Regulations: What Should Employers Do Now?

Philadelphia, PA

July 21, 2015

Employee or Not? Independent Contractors and Interns

Association of Corporate Counsel, Greater Philadelphia Delaware Valley Chapter
February 12, 2015

Who's an Employee? Independent Contractors, Interns, Volunteers, and Intra-Corporate Transfers

Philadelphia, PA
September 25, 2013

Ethical Dilemmas for Corporate Counsel

Association of Corporate Counsel, Delaware Valley (DELVACCA) Chapter, Philadelphia, PA
August 8, 2013

Preparing The Groundwork To Enforce Non-competes

Philadelphia, PA
September 13, 2012

Drafting Restrictive Covenant Agreements

Pennsylvania Bar Institute
December 12, 2011

Post-Employment Restrictions and Protection of Trade Secrets in the New Economy: What You Need to Know

17th Annual Employment Law Institute - Pennsylvania Bar Institute
April 27, 2011

GINA: Everything You Wanted to Know But Were Afraid to Ask

Association of Corporate Counsel, Delaware Valley Chapter
April 7, 2011