



## Shawn Matthew Clark

Shareholder

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### Focus Areas

Business Restructuring and M&A  
Unfair Competition and Trade Secrets  
Litigation and Trials  
Executive Compensation  
Financial Services  
Healthcare  
Emerging Companies and Venture Capital

### Overview

Shawn Matthew Clark provides practical advice to employers on every aspect of the laws governing the workplace. He has extensive experience litigating employment disputes of all types, including defending employers and managers against claims of discrimination, retaliation, and harassment. On behalf of his clients, Shawn has won dispositive motions, temporary restraining orders, preliminary injunctions, defense verdicts, and appeals. He draws on that litigation experience to counsel employers on effective strategies for preventing litigation when possible, and preparing for litigation when it is unavoidable.

Beyond the courtroom, Shawn devotes much of his practice to business restructuring and M&A matters. In particular, he helps employers plan and implement reductions-in-force, mass layoffs, plant closings, furloughs, and other business reorganizations, including all aspects of compliance with federal and state Worker Adjustment and Retraining Notification (WARN) Acts and the Older Workers Benefit Protection Act (OWBPA). He also advises corporate clients and private equity firms on employment issues that arise in corporate transactions and performs pre-acquisition due diligence to identify employment obligations and liabilities that may affect the value and structure of the transaction.

As an unfair competition and trade secret lawyer, Shawn drafts and negotiates executive employment contracts and noncompetition, nonsolicitation, and confidentiality agreements. He also litigates claims related to such agreements,

including claims for breach of contract, misappropriation of confidential information, theft of trade secrets, unfair competition, tortious interference, and breach of the duty of loyalty. For example, on behalf of a Fortune 500 professional services company, Shawn successfully obtained a temporary restraining order and a preliminary injunction against three former employees based on breaches of their nonsolicitation and confidentiality obligations. Shawn also successfully defended a noncompetition claim against an employee of a cloud-based data security company resulting in the denial of the request for a preliminary injunction and withdrawal of the claims.

Before entering private practice, Shawn served as an assistant corporation counsel in the Labor and Employment Law Division of the New York City Law Department where he represented the City of New York and its agencies and officers in employment litigation.

Before law school, Shawn worked in the United States Senate for members of the Senate Judiciary Committee and the Senate Committee on Health, Education, Labor, and Pensions.

## Professional and Community Affiliations

- Member, Trade Secrets Committee, New York City Bar Association
- Member, Labor & Employment Law Committee, New York City Bar Association
- Program Co-Chair, Employment Law Institute, New York City Bar Association
- Member, Labor and Employment Law Section, New York State Bar Association
- Member, American Bar Association
- Member, Federal Bar Council

## Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2023-2024
- Named, Rising Star, New York, *Super Lawyers*, 2022-2023
- Recipient, New York City Law Department Legal Rookie of the Year Award, *New York City Law Department*, September 2013
- Recipient, Judge Doris A. Thompson and Judge Edward Thompson Award for Excellence in Trial Advocacy, *Brooklyn Law School*, June 2012
- Recipient, CALI Excellence for the Future Award in Trial Advocacy, *Brooklyn Law School*, December 2010
- First Place Winner, New York Region, *American Bar Association Labor and Employment Trial Advocacy Competition*, November 2010

## Education

J.D., Brooklyn Law School, 2012, *cum laude*

B.A., The George Washington University, 2004

## Bar Admissions

New York

## Courts

U.S. Court of Appeals, 2nd Circuit

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

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

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

## Publications & Press

### **How HR should be thinking about noncompetes in light of potential state, federal bans**

*HR Brew*

January 17, 2024

### **New York Governor Rejects Ban on Noncompete Agreements**

*SHRM Online*

January 9, 2024

### **New York Curtails Release Agreements Involving Claims of Discrimination, Harassment, or Retaliation**

*SHRM Online*

November 28, 2023

### **New York Enacts Greater Restrictions on Release Agreements Involving Claims of Discrimination, Harassment, or Retaliation**

*Little ASAP*

November 22, 2023

### **WARNING: Amendments to the New York WARN Act Regulations are Now in Effect**

*Little ASAP*

June 26, 2023

### **Non-Compete Ban on the Horizon in New York?**

*Little ASAP*

June 20, 2023

### **New York Seeks to Limit the Scope of Permissible Invention Assignment Agreements**

*Little ASAP*

June 7, 2023

**Accommodating New York’s Vaccine Mandate for Health Care Workers**

*New York Law Journal*

October 29, 2021

**New York City Mandates Retirement Savings Plans for All**

*SHRM Online*

August 26, 2021

**NYC Mandates Retirement for All**

*Little ASAP*

August 17, 2021

**Little Announces New Shareholders and Principals Elevating 26 Attorneys**

*Little Press Release*

January 4, 2021

**Warning to New York Employers: The NY WARN Act Now Requires WARN Notices be Sent to Additional Governmental Recipients**

*Little ASAP*

November 11, 2020

**Philadelphia Clarifies City’s WARN Act to Account for COVID-19-Related Closures**

*Little ASAP*

April 22, 2020

**WARN Act Risks Loom for Employers Re-Hiring or Un-Furloughing Employees to Receive Paycheck Protection Program Funding**

*Little ASAP*

April 19, 2020

**New York and New Jersey Join Growing Ranks of States Penalizing Call Center Relocation**

*Little Insight*

February 14, 2020

**Speaking Engagements**

**Navigating the Changing Landscape of Workplace Policies – Updates on Key Employment Handbooks, Policies, & Agreements**

New York City Bar Association, 2024 Employment Law Institute

March 1, 2024

**2023 Tri-State Regional Employer Conference**

New York, NY

June 20, 2023

**RIF Master Class**

Little Executive Employer Conference, Phoenix, AZ

May 10, 2023

**The Seven Deadly Sins of Incentive Compensation Plan Hell**

September 13, 2022

**Homecare Consolidation: Employment Law Considerations That Can Kill Deals When Buying or Selling a Homecare Business**

April 5, 2022