



Stephen E. Baumann II

Shareholder

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Focus Areas

Unfair Competition and Trade Secrets
Discrimination and Harassment
Labor Management Relations
Energy
Appellate

Overview

Steve Baumann partners with employers of all sizes, from small startups to Fortune 500 companies, to address and resolve employment and traditional labor issues throughout the employment lifecycle, from hiring through performance management, investigations, and separation of employment. Among other things, Steve advises employers about protection of trade secrets, enforcement of non-compete agreements, and other unfair competition. Steve also helps employers remain union-free and manage their union-represented workplaces.

When traditional labor concerns arise, Steve has:

- Conducted union-avoidance training
- Conducted successful union-organizing campaigns and defeated representation petitions
- Advised clients in collective bargaining negotiations
- Successfully litigated employee grievances
- Successfully defended unfair labor practice charges before the National Labor Relations Board (NLRB) and its state-level counterparts
- Advised clients in avoiding potential strike activity

Steve also has a robust litigation practice in federal and state courts nationwide, including complex litigation involving trade secrets, noncompete agreements, discrimination, retaliation, harassment, failure-to-accommodate, and wrongful termination.

For example, Steve has:

- Obtained temporary restraining orders (TROs) and preliminary injunctions following hotly contested evidentiary proceedings to protect the trade secrets, confidential information, and competitive advantages of energy companies, advertising companies, mid-size distributing companies, medical device companies, industrial maintenance and repair companies, and others
- Obtained Rule 12 dismissal of putative Rule 23 class action claims against construction industry client on claims of failure to pay wages under the Colorado Wage Claim Act, RICO, and the Colorado Organized Crime and Control Act (COCCA)
- Obtained dismissal of claims for familial-status discrimination under the Colorado Anti-Discrimination Act (CADA) against small business, affirmed by the Colorado Court of Appeals, when, on an issue of apparent first impression, the court concluded that CADA does not protect familial status
- Obtained voluntary dismissal of claims under the Americans with Disabilities Act (ADA) against a multinational financial services company following discovery sanctions entered against plaintiff and her counsel
- Obtained Rule 12 dismissal of allegations seeking a declaratory judgment on enforceability of a non-compete agreement, as well as damages for outrageous conduct, intentional infliction of emotional distress, and invasion of privacy, on behalf of alternative energy company, including an award of fees and costs against plaintiff
- Obtained Rule 12 dismissal, affirmed in the U.S. Court of Appeals for the Tenth Circuit, on ERISA-related RICO claims, on behalf of Fortune 500 financial services company
- Obtained summary judgment for small energy company in a case brought by its former founder and CEO alleging breach of contract, wrongful termination, and shareholder derivative claims
- Obtained summary judgment in Title VII race discrimination arbitration for aerospace and defense contractor
- Successfully defended charges of discrimination in state and federal agencies, including the Equal Employment Opportunity Commission (EEOC), the Colorado Civil Rights Division (CCRD), and the Department of Labor (DOL)

As a volunteer with the Center for Legal Inclusiveness, Steve participates in high school, university, and post-graduate level programs to promote inclusiveness in the legal profession.

Prior to joining Littler, Steve's practice included employment law, governmental liability defense, and complex commercial litigation in a wide variety of practice areas at a regional firm in Denver. During law school, Steve co-taught the first-year legal writing and advocacy program as a legal writing and advocacy fellow. He was a content editor for the *Southern California Interdisciplinary Law Journal*. He previously served as a judicial extern for the Hon. Manuel L. Real in the U.S. District Court for the Central District of California.

Professional and Community Affiliations

- Member, American Mensa

- Member, California Bar Association
- Member, Colorado Bar Association
- Member, Diversity in the Legal Profession Joint Committee, Center for Legal Inclusiveness

Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2021-2023
- Named, Barrister's Choice, Employment Lawyer for Defendants, *Law Week Colorado*, 2022
- Named, Rising Star, *Super Lawyers*, 2016-2023
- Recipient, BTI Client Service All-Star Award, 2017
- Recipient, American Jurisprudence Award in , Legal Research, Writing and Advocacy and Evidence
- Recipient, Merit Scholarship, *University of Southern California Gould School of Law*

Education

J.D., University of Southern California Gould School of Law, 2011

B.A., University of Colorado, Boulder, 2007, *cum laude*, *Phi Beta Kappa*

Bar Admissions

Colorado

California

Courts

U.S. Court of Appeals, 10th Circuit

U.S. District Court, District of Colorado

U.S. District Court, Central District of California

U.S. Bankruptcy Court, District of Colorado

Publications & Press

A Tipster's Refuge: Colorado Significantly Expands Health, Safety, and Fraud Whistleblower Protections

Little ASAP

June 9, 2022

HB 22-1317: A New, More Restrictive Era for Restrictive Covenants in Colorado

Little Insight

May 16, 2022

Colorado Criminalizes Certain Restrictive Covenants in Employment Agreements

SHRM Online

January 19, 2022

Little Elevates 33 Attorneys to Shareholder

Little Press Release

January 6, 2022

Colorado Criminalizes Certain Restrictive Covenants

Little ASAP

January 6, 2022

Best Lawyers in America® 2022 Edition Honors More Than 240 Little Lawyers

Little Press Release

August 19, 2021

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

Little Press Release

August 20, 2020

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

Little Insight

July 23, 2020

A Return to Workplace Civility: The NLRB Adopts the Wright Line Burden-Shifting Approach to Section 7 Speech

Little Insight

July 22, 2020

Colorado Issues Emergency Rule and FAQs on Returning to the Workplace

SHRM Online

May 7, 2020

Denver and its Neighbors Return to Work: Mayor Announces Expiration of Stay-at-Home Order and Ushers in Period of COVID-19 “Relief and Recovery”

Little ASAP

May 6, 2020

Colorado Department of Labor and Employment and Colorado Civil Rights Division Issue Guidance Addressing Employees Concerned about Returning to the Workplace

Little ASAP

May 5, 2020

Denver Joins a Growing Number of Colorado Municipalities Mandating Face Coverings While in Public

Little ASAP

May 4, 2020

Colorado Enters Its "Safer At Home" Phase of the COVID-19 Pandemic, But Many Municipalities Remain on Lockdown

Little ASAP

April 25, 2020

A COVID-19 Guide for Colorado Employers

Little ASAP

March 24, 2020

Watch Your Mouth: The NLRB Invites Input on when Profane, Racial, or Sexual Language Crosses the Line

Little ASAP

September 9, 2019

Colorado Court of Appeals Confirms the Broad Scope of "Arising Under" Arbitration Agreements and Expands Duty-of-Loyalty Claims

Little ASAP

October 2, 2018

A "Rare" Amendment: Colorado Amends its Non-Compete Statute for the First Time Since 1982 to Protect Physicians Treating Patients with "Rare Disorders"

Little ASAP

April 6, 2018

Three Littler Attorneys Named BTI Client Service All-Stars

Little Press Release

February 13, 2017

Reducing Redundancy: Colorado Repeals its State-Specific Employment Verification Requirement

Little ASAP

August 17, 2016

Pre- and Post-Partum Protection: Colorado Enacts A Pregnant Workers Fairness Act

Little Insight

June 8, 2016

Utah Enacts Post-Employment Restrictions Act

Little ASAP

March 31, 2016

You've Got a "Friend": Social Media's Influence on Employee Rights

For the Defense

July 2014

Defer No More: Appellate Review in the iPhone Era

In-House Defense Quarterly

Spring 2014

Speaking Engagements

Restrictive Covenants During the Great Resignation: Legislative Updates and Strategic Approaches for Employers

June 28, 2022

Protected Class Laws and Regulations: New Post-Pandemic Challenges for Employers in 2022

Lorman Webinar

March 22, 2022

2021 Rocky Mountain Virtual Regional Employer Conference

Denver, CO

October 6, 2021

Returning to Work When Workers Have Wandered: Post-COVID Compliance Concerns for Colorado Employers

Denver, CO

July 7, 2021

Politics, Pandemic, and Protests: Strategies to Navigate the "Free Speech" Trifecta

2021 Mile High SHRM Conference, Denver, CO

February 26, 2021

2020 Rocky Mountain Virtual Employer

November 18, 2020

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

October 1, 2020

The New Normal: "Free Speech" in the Workplace During Pandemic, Protests, and Polarized Elections - Session 6

August 6, 2020

Insights From Colorado: The Post-COVID-19 Workplace Webinar Series, Session 1: Litigation in the Post-COVID-19 World
Webinar

May 28, 2020

The Next Normal: Strategies and Best Practices for Returning to Work in Colorado

May 11, 2020

Tales from the Trenches: Updates and Practical Guidance for Employers on COVID-19

April 21, 2020

Caregiver Conundrums: A Primer on Paid (and Unpaid) Parental Leave

Colorado Bar Association, Labor & Employment Law Section, Denver, CO

October 17, 2019

Socially Acceptable Solicitation: Restrictive Covenants in the Age of Social Media

2019 Rocky Mountain Employer Conference, Denver, CO

October 4, 2019

Federal Employment Law Update

2019 Rocky Mountain Employer Conference Denver, CO

October 4, 2019

Protected Union-Related Speech and Concerted Activities: Walking the Increasingly Fine Line of 'Free Speech' in the Workplace

Lorman Webinar

August 21, 2019

The Art of Union Information Requests: Balancing the Need-to-Know with the Need-to-Protect

Lorman Webinar

July 3, 2019

Legal Trends, Topics and Management for Boards

Gamma Phi Beta Housing and Facilities Conference, Denver, CO

June 29, 2019

Legal Risks of Hiring Competitors Employees

Lorman Webinar

April 25, 2019

What to Do When a Whistleblower Steals Confidential Information

Rocky Mountain Employer Conference

September 21, 2018

Hiring a Competitor's Employees: Minimizing Litigation Exposure, Defending Competitor Lawsuits

Strafford Webinar
February 28, 2018

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

Littler, Denver CO
October 3, 2017

Update Your Status: Current Legal Risks Related to Social Media in the Workplace

Mile High SHRM Emerging Leaders Conference, Denver, CO
June 16, 2017

The 2016 Defend Trade Secrets Act - Protecting Your Business's Most Valuable Assets

Littler, Denver, CO
September 21, 2016

Hot Topics in Employment Law: Marijuana, Matrimony, and Off-Duty Merriment

Rocky Mountain Paralegal Association Education Summit, Denver, CO
May 13, 2016

Advanced FMLA and ADA Issues

Employment Law: Beyond the Basics, Cheyenne, WY
September 22, 2015

Books & Book Chapters

- Picketing for Organization and Recognition, The Developing Labor Law, Chapter 21, *ABA Section of Labor and Employment Law*, Chapter Contributing Editor 2018-2019, Chapter Editor 2020-2022
- Technology in the Courtroom, Colorado Courtroom Handbook for Civil Trials, Chapter 23, *Colorado Bar Association*, Chapter Co-Author, 2014-2022