

Darren E. Nadel

Shareholder

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Practice 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®, 2014-2025
- 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*
- Named, Stand-Out Lawyer, *Thomson Reuters*, 2017, 2023

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 ASAP

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

Press Release

August 19, 2021

Littler Ranked in Chambers USA Guide 2021

Press Release

May 27, 2021

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

Press Release

August 20, 2020

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

Littler ASAP

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

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 ASAP

July 25, 2019

Littler Ranked in 2019 Chambers USA Guide

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 ASAP

November 8, 2018

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

Littler ASAP

September 26, 2018

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

Press Release

August 15, 2018

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

Littler ASAP

August 10, 2018

Littler Ranked in 2018 Chambers USA Guide

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

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

Press Release

May 26, 2017

Company Practices "Onionhead" – Employees Cry Reverse Religious Discrimination

Littler ASAP

October 13, 2016

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

Press Release

August 16, 2016

Chambers USA Recognizes Littler and Attorneys in 2016 Guide

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 ASAP

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

Press Release

August 18, 2015

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

Littler ASAP

May 29, 2015

Chambers USA Recognizes Littler and Its Attorneys

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 ASAP

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 ASAP

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

Press Release

August 18, 2014

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

Littler ASAP

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 ASAP

June 16, 2014

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

Littler ASAP

June 6, 2014

Littler and Its Attorneys Ranked In 2014 Chambers USA Guide

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 ASAP

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

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

Littler ASAP

July 5, 2013

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

Littler ASAP

July 5, 2013

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

Littler ASAP

June 21, 2013

Littler Mendelson Named in the 2013 Chambers USA Guide

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 ASAP

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 ASAP

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 ASAP

June 15, 2011

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

Littler ASAP

September 4, 2009

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

Littler ASAP

July 1, 2009

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

Littler ASAP

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

Littler ASAP

August 13, 2007

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

Littler ASAP

October 31, 2005

SEC Turns Up the Heat on 401(k) Fiduciaries

Littler ASAP

August 1, 2004

Events & 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

Littler, 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