



Thomas M. Metzger

Shareholder

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Practice Areas

Unfair Competition and Trade Secrets
Occupational Safety and Health
Litigation and Trials
Wage and Hour
Financial Services
Energy

Overview

Tom Metzger is a nationally recognized employment law advisor, litigator, and trainer. With a career spanning over 25 years, he has developed expertise representing employers and executives in connection with covenants-not-to-compete, Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulatory and litigation matters, discrimination and retaliation claims, contract disputes, and related workplace matters.

Tom represents employers and executives throughout the United States in a wide variety of industries, ranging from Fortune 50 companies to start-up ventures. He also advises some of the nation's leading CEOs, financial advisors, and entrepreneurs in connection with litigation, contract negotiations, and other employment matters. He is recognized by his peers as one of the country's leading employment law advisors and litigators.

When matters cannot reach an early resolution, Tom has consistently and successfully tried cases to final verdict including over 25 trial victories before state and federal courts and administrative agencies throughout the country. Emphasizing an aggressive and efficient approach to litigation, he serves as lead counsel in complex and high-stakes matters, with particular emphasis on:

- Covenant-not-to-compete and trade secret litigation, including temporary restraining orders, preliminary injunctions, electronic data forensic investigations, and related emergency litigation throughout the United States

- OSHA and MSHA consultation and litigation, including extensive experience with injury and fatality investigations, safety auditing within a wide variety of highly complex and specialized industries, and consistent representation before OSHA, MSHA, and the Occupational Safety & Health Review Commission (OSHRC) throughout the nation
- Financial Industry Regulatory Authority (FINRA) consultation and litigation, including broad experience representing broker-dealers and financial advisor
- Employment discrimination and retaliation claims
- Contract disputes

In addition to his litigation practice, Tom has significant experience providing employers and executives with strategic advice, practical solutions, and compliance assistance in several specialized areas, including:

- Safety audits and investigations, safety programs and policies, and regulatory guidance under OSHA and MSHA
- Unfair competition, confidential information and trade secrets
- Retaliation and employment discrimination
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- Defamation
- Privacy rights

Tom is a frequent speaker, author, and trainer on employment law and litigation topics. He has contributed to numerous articles and news programs and has been interviewed by television networks ABC, CBS, and NBC; radio programs; and *Business Week*, the *Columbus Dispatch*, *Business First*, *Columbus CEO*, and the *Daily Reporter*, among others.

Professional and Community Affiliations

- Member, Ohio Bar Association
- Member, Board of Governors, Labor and Employment Law Section, Ohio Bar Association
- Former Editor-In-Chief, Labor and Employment Law Newsletter, Ohio Bar Association
- Member, Labor and Employment Law Section, American Bar Association
- Member, Labor and Employment Law Section, Columbus Bar Association

Recognition

- Named, The Best Lawyers in America®, 2013-2025
- Named, Super Lawyer, Ohio, *Super Lawyers*, 2009-2018
- Named, Top Ohio Lawyer, Labor and Employment, *Business First*, 2009-2013
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, Top Attorney in Ohio, *The Verdict*
- Named, 40 Under 40, *Columbus Business First*, 2003
- Named, Best Lawyers, Employee Benefits, Trade Secrets, *Columbus CEO*, 2022
- Graduate, Class of 1998, *Leadership Columbus*
- Order of the Barristers

Education

J.D., University of Pittsburgh School of Law, 1992

B.A., Washington University in St. Louis, 1989, *magna cum laude*

Bar Admissions

Ohio

Courts

U.S. Supreme Court

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 11th Circuit

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Indiana

U.S. District Court, Southern District of Indiana

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Michigan

U.S. District Court, Northern District of Ohio

U.S. District Court, Southern District of Ohio

Ohio Supreme Court

Publications & Press

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

Press Release

August 19, 2021

Refresh! The CDC Revisits COVID-19 Restrictions for Fully Vaccinated Individuals

Littler ASAP

July 28, 2021

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

Press Release

August 20, 2020

OSHA Issues FAQs Regarding Face Coverings, Surgical Masks, and Respirators in the Workplace

Littler ASAP

June 11, 2020

OSHA Issues Updated COVID-19 Interim Enforcement Response Plan

Littler ASAP

May 22, 2020

OSHA Issues Revised Guidance for Recording COVID-19 Cases

Littler ASAP

May 20, 2020

COVID-19 Whistleblower and Retaliation Claims on the Rise – What Steps Can Employers Take Now?

Littler ASAP

April 17, 2020

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

Press Release

August 15, 2019

OSH Act Penalties Increase

Littler ASAP

February 1, 2019

OSHA Issues Final Rule Rescinding Certain Recordkeeping Requirements and Clarifying Guidance on Drug Testing and Incentive Programs

Littler ASAP

January 31, 2019

Court Ruling Delivers an Employer Win on OSHA Inspection

Human Resource Executive

October 30, 2018

OSHA Stresses Trenching and Excavation Safety

EHS Today

October 25, 2018

Federal Court Limits Scope of OSHA Inspection Authority

Littler ASAP

October 22, 2018

About Face: OSHA Clarifies that Safety-Incentive Programs and Post-Incident Drug/Alcohol Testing ARE Permissible

Littler ASAP

October 19, 2018

OSHA Announces Renewed Focus on Trenching and Excavation Work

Littler ASAP

October 5, 2018

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

Press Release

August 15, 2018

OSHA Proposes to Rescind Major Portions of its Electronic Reporting Rule

Littler ASAP

August 2, 2018

OSHA Update: Court of Appeals Upholds Employer's Criminal Liability and Maximum Fine in Employee's Death

Littler ASAP

July 27, 2018

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Press Release

August 17, 2017

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

Press Release

August 16, 2016

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Press Release

August 18, 2015

New Robot Designs Challenge Old OSHA Safety Rules

Bloomberg BNA

July 23, 2015

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

Press Release

August 18, 2014

Labor Department Suit Prompts Ohio Bell To Amend Disputed Injury Reporting Policies

Bloomberg BNA Daily Labor Report

May 28, 2014

Playing it Safe

Columbus CEO

January 6, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Press Release

August 15, 2013

The Ohio Supreme Court Reverses Its Position on the Enforceability of Noncompete Agreements after a Merger

Littler ASAP

October 23, 2012

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Press Release

September 7, 2012

Ohio Supreme Court Restricts the Application of Ohio's Prevailing Wage Law

Littler ASAP

July 29, 2009

Trade Secrets and Former Employees: Memorized Client Lists Can Still Be Protected as a Secret

Littler ASAP

March 4, 2008

Competition from Former Employees: Important New Decisions Regarding Enforcement of, and Challenges to, Noncompete Agreements

Littler ASAP

December 13, 2007

Competition from Former Employees: Ohio Appellate Court Clarifies Application of the "Inevitable Disclosure" Doctrine

Littler ASAP

February 21, 2007

Tom Metzger Notes Impact of Election on Business

The Plain Dealer

November 9, 2006

Tom Metzger Encourages Companies to Ensure Employees Take Breaks

The Columbus Dispatch

June 27, 2006

OSHA Seeks to Step Up Enforcement of Criminal Penalties

Littler ASAP

June 30, 2005

Events & Speaking Engagements

“I’ll Take Safety and Health for \$500!” Critical Safety and Health Questions Answered for the Post-Pandemic World – So YOUR Organization Does Not End Up in JEOPARDY!

Littler Executive Employer Conference

May 5, 2022

2020 Hot Topics in Employment and Labor Law

Columbus, OH

February 26, 2020

What to Expect from OSHA in the Coming Year

Littler Executive Employer, Phoenix, AZ

May 3, 2018

2013 Ohio Regional Employer Conference

Cleveland, OH

October 24, 2013

Ethics Compliance – Effectively Dealing With Corporate Whistleblowers

Columbus, OH

May 14, 2012

OSHA Update: The 2012 Compliance and Enforcement Agenda

Littler Mendelson, Scottsdale, AZ

May 10, 2012

Conducting Lawful Investigations: The First 72 Hours

Employment Law Update - Human Resources Association of Central Ohio, Columbus, OH

April 25, 2012

OSHA Inspections: Strategies for Employers

Breakfast Briefing, Columbus, OH

November 18, 2011

Non-Competition Agreements, the Recruiting “Protocol,” and Key Updates for Broker/Dealers on Client Solicitation

Fall Symposium - National Association of Independent Broker/Dealers, New York, NY

November 14, 2011

Navigating the Changing Employment Law Landscape

2011 Ohio Employer Conference - Littler Mendelson, Mayfield Heights, OH

October 27, 2011

Key Employees: Poaching, Trade Secrets and Unfair Competition

Association of Corporate Counsel

August 4, 2011

Best Practices Checklist for Protecting Confidential Information & Preventing Unfair Competition

2010 Ohio Employer Conference - Littler Mendelson, Mayfield Heights, OH

October 10, 2010

Religious, Genetic, Caregiver, And National Origin Discrimination

Battelle, Columbus, OH

September 7, 2010

Disabilities in the Workplace, the ADA and the Amendments: Understanding the ADA, and a Review of an Employer's Primary Obligations

Ohio Labor & Employment Law Institute, Cleveland, OH

July 21, 2010

Disabilities in the Workplace, the ADA and the Amendments: Understanding the ADA, and a Review of an Employer's Primary Obligations

Ohio Labor & Employment Law Institute, Columbus, OH

June 23, 2010

Still Dealing with the Pain: Accommodating Leaves of Absence, the ADA and Other Legal Requirements

Employment Law Update - Human Resources Association of Central Ohio, Columbus, OH

April 27, 2010

The Future of Workplace Safety: Imminent Threats and Anticipated Regulation

2010 Executive Employer Conference® - Littler Mendelson, Phoenix, AZ

April 2010

Employing Change, Overcoming Crisis & Finding Opportunity: An Employer's Perspective

2009 Ohio Employer Conference - Littler Mendelson, Mayfield Heights, OH

October 29, 2009

Competitors and Employees: Protecting Unfair Competition, and Protecting Company Assets

Ohio Labor & Employment Law Institute, Cincinnati, OH

June 17, 2009

Competitors and Employees: Protecting Unfair Competition, and Protecting Company Assets

Ohio Labor & Employment Law Institute, Cleveland, OH

June 11, 2009

Competitors and Employees: Protecting Unfair Competition, and Protecting Company Assets

Ohio Labor & Employment Law Institute, Columbus, OH

May 13, 2009

The Americans with Disabilities Act - and the New ADAAA

Breakfast Briefing, Columbus, OH

November 10, 2008

Employer Mandated Wellness Programs

Association of Corporate Counsel

July 25, 2008

Confidentiality, Trade Secrets, and Intellectual Property: HR's Strategic Role

Employment Law Update - Human Resources Association of Central Ohio, Columbus, OH

February 12, 2008

Secrets and Lies: Avoiding the Sting of Unfair Competition

2007 Ohio Employer Conference - Littler Mendelson

November 8, 2007

Recent Developments and Challenges with Covenants Not to Compete and Non-Solicitation Agreements in Ohio

Association of Corporate Counsel

October 5, 2007

2007 Employment Law Update: Recent Trends and Developments

Breakfast Briefing / Training Program

September 25, 2007

Recordkeeping in a Digital Age

Association of Corporate Counsel

July 20, 2007

Blogging in the Workplace – How Your Employees' Off-duty and On-line Activities Can Lead to Employer Liability

Association of Corporate Counsel

September 14, 2006

OSHA Inspections

Breakfast Briefing

May 2005

(In)Feasibility of Compliance with OSHA Standards

Safety Congress

April 2005

What is “Work Time”?

Lorman Education Services, Columbus, OH

August 19, 2004

FMLA/CFRA/ADA

Breakfast Briefing

June 15, 2004

The Changing Workplace

2004 Executive Employer Conference® - Littler Mendelson, Phoenix, AZ

May 25, 2004

Family and Medical Leave Act

Breakfast Briefing, Columbus, OH

January 16, 2004

Protected Leave of Absence

Office of the Ohio Attorney General

January 2004

Is This Restrictive Covenant Enforceable?

41st Annual Midwest Labor and Employment Law Seminar

2004

Labor and Employment Law Update: What’s Your Labor and Employment Law IQ?

ACCEL Muirfield

2004