

Whistleblower Claims

The New Jersey Conscientious Employee Protection Act (CEPA) is often considered one of the strongest whistleblower protection laws in the country. Under CEPA, an employee can claim retaliation if they experienced an "adverse employment action" such as termination, demotion or harassment after engaging in a "protected activity" such as disclosing (or threatening to disclose) behavior they believe is illegal, fraudulent, criminal, or incompatible with a clearly stated policy. To successfully defend a CEPA claim, our team carefully analyzes all available facts with the goal of dismantling the case by disproving one or more of its core elements. This strategy includes challenging whether the employee's belief about the illegality of the activity was objectively reasonable, proving that the employee's action was not a protected activity under CEPA, and arguing that the employer's action was not an "adverse employment action" as defined by law. Importantly, it is essential to prove that there was no "causal connection" between the protected activity and the adverse employment action by demonstrating a legitimate, non-retaliatory business reason for the employer's actions. Our team has successfully defended employers in both the public and private sectors against all forms of retaliation claims brought under CEPA, in both state and federal courts.

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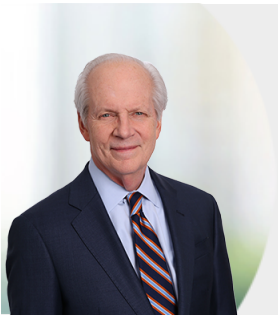
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Experience

Representative Matters

- Secured summary judgment for a state law enforcement agency in a CEPA whistleblower action following extensive discovery, based on the plaintiff's failure to meet the statutory burden, eliminating exposure exceeding \$1 million.
- Represented Rutgers University and its employees in state and federal employment litigation, including claims under CEPA, NJLAD, Title VII, Section 1983, and the ADA, involving allegations of wrongful termination, discrimination, retaliation, and hostile work environment, achieving dismissals, summary judgment, and favorable settlements.

- Represented the State of New Jersey and individual defendants in employment and constitutional litigation asserting claims under CEPA and NJLAD, and the New Jersey Constitution.
- Defended a technology company in employment litigation brought by a former senior executive asserting claims under NJLAD and CEPA and seeking declaratory relief concerning restrictive covenants, securing dismissal of multiple claims, denial of declaratory relief, quashing of overbroad subpoenas, and a favorable settlement following mediation.
- Defended a research company and its owners and managers in employment litigation asserting CEPA whistleblower claims, sexual harassment, discrimination, retaliation, and wage and hour violations, resolving the matter on favorable terms that protected the company's industry reputation.
- Successfully defended a public university in a whistleblower retaliation action under the New Jersey CEPA, securing dismissal of all claims with prejudice at summary judgment. The plaintiff's appeal in this matter was denied.
- Successfully defended a large public entity and individual employees in multiple employment actions alleging discrimination, harassment, and retaliation under the NJLAD and CEPA, obtaining dismissal with prejudice at summary judgment following extensive discovery and motion practice. The plaintiff's appeal in this matter was denied.
- Defended a North American energy infrastructure company in state court litigation alleging CEPA retaliation arising from a contractor's work on a New Jersey pipeline project. Following discovery, the plaintiff abandoned all claims, and the matter concluded without further proceedings.
- Defending a large public entity against NJLAD and CEPA, and New Jersey Civil Rights Act claims, successfully narrowing the case at the outset through targeted motion practice while managing sensitive discovery, document production, and e-discovery vendor coordination.
- Represented a New Jersey healthcare system in defense of fraud, breach of contract, age discrimination, and CEPA retaliation claims brought by three physicians and their surgical group seeking more than \$9 million.
- Represented a public entity as defense trial counsel in a New Jersey Superior Court NJLAD and CEPA action tried to verdict during a four-week trial, obtaining favorable rulings that narrowed compensatory damages, eliminated punitive damages exposure, and excluded prejudicial evidence prior to verdict, significantly reducing overall risk.
- Successfully defended Protection Technologies, LLC, an electronic security solutions provider, against NJLAD and CEPA claims brought by a former senior executive, defeating an early declaratory judgment challenge to restrictive covenants, obtaining dismissal of multiple discrimination and retaliation claims, quashing overbroad subpoenas, and resolving the matter on highly favorable terms following mediation.
- Represented a New Jersey healthcare system in defense of fraud, breach of contract, age discrimination, and CEPA retaliation claims brought by three physicians and their surgical group seeking more than \$9 million.
- Successfully defended multiple large, multi-disciplinary employers in four NJLAD and CEPA actions, securing summary judgment in each case and eliminating claims seeking more than \$1 million in alleged damages per matter.