



## Vincent N. Avallone

### Partner

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### OVERVIEW

Vincent Avallone's practice is concentrated in the areas of labor and employment law counseling and litigation, ERISA litigation, and commercial litigation.

In the area of employment and labor law, he counsels management on the full spectrum of workplace policies and practices, including drafting employment agreements, noncompetition and confidentiality agreements, and separation agreements, conducting in-house training programs, and advising clients on internal investigations, reductions in force, and compliance matters. Vincent represents employers in litigation and arbitration concerning a wide variety of claims, including employment discrimination, harassment, whistle-blowing, family and medical leave, wage and hour matters, employment contract disputes, enforcement of confidentiality and non-compete agreements, and claims under ERISA relating to employee and retiree benefits. Vincent appears regularly before state and federal courts in New Jersey, New York, and Pennsylvania, as well as other states, and before federal, state, and local administrative agencies such as the Equal Employment Opportunity Commission, the National Labor Relations Board, the New Jersey Division on Civil Rights, the Pennsylvania Human Relations Commission, and the New York Division on Human Rights.

In the area of commercial litigation, Vincent represents clients in litigation and arbitration of business disputes. He has represented clients in connection with claims alleging breach of contract, fraud, misappropriation of trade secrets, unfair competition, business torts, and violations of the Robinson-Patman Act and the Racketeer Influenced and Corrupt Organizations Act (RICO).

### PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, LLP, Vincent served as a prosecutor and then as a criminal defense attorney with the United States Army Judge Advocate General's Corps where he defended several highly publicized cases of sexual harassment. While in the Army, he also served as a Special Assistant United States Attorney in the office of the United States Attorney for the Eastern District of Virginia.

## ACHIEVEMENTS

Vincent has been recognized as a New Jersey Super Lawyer in *Law and Politics* magazine and is also listed in *Chambers USA: America's Leading Lawyers to Business*. Vincent has been listed in *Best Lawyers in America* in the area of Litigation (Labor and Employment) since 2013.

## PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association (Labor & Employment Law Section)
- Essex County Bar Association
- New Jersey State Bar Association (Labor & Employment Section)
- Princeton Football Association (Counsel)

## SPEAKING ENGAGEMENTS

Vincent speaks regularly on the various issues employers confront on a daily basis. He has been a frequent lecturer on employment law topics at seminars sponsored by the New Jersey Business & Industry Association, the *New Jersey Law Journal*, the Essex County Bar Foundation, and local organizations.

## EDUCATION

- J.D., Rutgers School of Law at Newark, 1993 (*Articles Editor, Rutgers Computer & Technology Law Journal*)
- B.A., Princeton University, 1990

## ADMISSIONS

- Bar of New Jersey
- Bar of New York
- Bar of Pennsylvania
- United States Army Court of Criminal Appeals
- United States Court of Appeals for the Armed Forces
- United States Court of Appeals for the Second Circuit
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of New York

- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Southern District of New York

## THOUGHT LEADERSHIP POWERED BY HUB

- 30 October 2020, COVID-19: Governor Murphy Signs Executive Order No. 192 Mandating Health and Safety Protocols for New Jersey Worksites (*Alerts/Updates*)
- 24 April 2018, New Jersey's Historic Equal Pay Act Has Been Signed and Will Soon Take Effect (*Alerts/Updates*)
- 1 December 2017, Working Wise: Internal Investigations of Employment Matters (*Podcast*)

## OTHER PUBLICATIONS

Vincent is a contributing editor of a treatise, *New Jersey Employment Law*, second edition, and has co-authored articles published in the *New Jersey Law Journal* concerning employee liability under the New Jersey Law Against Discrimination (155 N.J.L.J. 1272), reasonable accommodations under the Americans with Disabilities Act and the New Jersey Law Against Discrimination (163 N.J.L.J. 1205), and enforcing agreements to arbitrate employment disputes (171 N.J.L.J. 1086).

## NEWS & EVENTS

- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch (*Rankings & Recognitions*)
- 21 May 2021, Chambers USA 2021 Guide Recognizes K&L Gates Labor, Employment, and Workplace Safety Practice, Lawyers Among Leaders (*Rankings & Recognitions*)
- 10 September 2020, K&L Gates Prevails on Summary Judgment in False Advertising Action Against Content Recommendation Platform (*Noteworthy Work*)
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide (*Rankings & Recognitions*)
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders (*Press Release*)
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide (*Press Release*)
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders (*Press Release*)

## AREAS OF FOCUS

- Labor, Employment, and Workplace Safety

- Collective Labor and Works Councils
- Complex Commercial Litigation and Disputes
- Employment Disputes and Investigations
- Employment Issues in Business Transactions
- Human Resource Advice and Compliance
- Maritime
- Wage and Hour
- Workplace Safety

## REPRESENTATIVE EXPERIENCE

- Obtained summary judgment in state court in New Jersey dismissing all claims against a finance company alleging race discrimination
- Obtained summary judgment which was affirmed on appeal in New Jersey state court on whistleblower claims filed by former employee against global pharmaceutical company
- Obtained trial verdict in federal court in New Jersey dismissing all claims against land service agent alleging sex harassment and retaliation
- Obtained complete dismissal in federal court in Virginia of all claims against pharmaceutical company alleging sexual harassment and retaliation in
- Obtained complete dismissal in federal court in Colorado of all claims against pharmaceutical company alleging age discrimination, retaliation and wage and hour violations by former sales representative
- Obtained dismissal of wage, commission and bonus claims in arbitration in New York filed by former executive of a global technology services provider
- Obtained summary judgment in federal court in New York dismissing all claims against global bank alleging age and sex discrimination and retaliation
- Obtained preliminary injunction in federal court in New Jersey in favor of national litigation support provider against former executive and competitor arising from breach of non-compete and non-solicitation agreement
- Obtained summary judgment which was affirmed on appeal in New Jersey state court on age discrimination claim filed by former employee of temporary staffing firm
- Obtained summary judgment in federal court in Michigan dismissing all claims against global consumer products company alleging age discrimination in connection with reduction in force
- Obtained complete dismissal of claims in California state court and SLAPP award in defense of claims by former executive for breach of contract and fraud

- Obtained \$2.5 million international arbitration award in favor of graphic arts equipment and supply manufacturer and no cause award in defense of distributor's claims for breach of contract, Robinson-Patman Act violation and RICO