



**Marc D. Katz**

**Partner**

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Marc has a broad-based and sophisticated management-side labor and employment litigation practice, handling all types of employment disputes, as well as counseling on transactional matters. He has significant experience representing corporate clients in high-stakes trade secret and unfair competition litigation, fiduciary duty and partnership disputes, and collective and class action cases throughout the country, and has tried some of the largest and most sophisticated employment cases in the country. Marc is Board Certified in Labor & Employment Law, and has been routinely recognized by Chambers and Thompson Reuters as one of the top attorneys in both his field and in Texas.

His corporate labor and employment clients turn to Marc for his extensive trial experience, in particular when complicated issues, transactions and crises are involved. Accordingly, Marc's practice also involves handling significant complex litigation in industries, including matters for financial institutions, hedge funds, private equity funds, healthcare institutions, pharmaceutical, medical device, and managed care entities, medical providers, educational institutions, and sports and entertainment organizations. This litigation has involved a wide range of subjects, including commercial disputes, employment, ERISA, contract, trade secret and other intellectual property matters, fiduciary obligations and shareholder derivative litigation, government investigations and litigation, and internal investigations. Marc's litigation experience has included matters in state and federal courts, as well as arbitration and administrative proceedings throughout the US, including in Texas, New York, New Mexico, Delaware, Florida, Pennsylvania, Arizona, Colorado, California, Michigan, Missouri, Georgia, Oklahoma, Massachusetts and Illinois.

Marc has first chaired more than 50 proceedings to verdict, including jury trials, bench trials, arbitrations, and administrative law proceedings. Most recently, Marc was lead counsel for a private equity investment advisor and one of its portfolio companies in a lawsuit against the portfolio company's former executive team and a competitive private equity investment advisor, based on corporate usurpation, conspiracy, breach of fiduciary duty, and misappropriation of trade secrets, in which Marc's client was seeking in excess of US\$700 million. After nine weeks of trial, on the eve of closing arguments, the case ended with an extremely favorable settlement.

#### RELATED SERVICES

- Employment
- Class Actions
- Litigation, Arbitration and Investigations
- Employment Litigation and Dispute Resolution

## EXPERIENCE

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Marc's other trial experience as lead counsel include:

- Lead counsel for a private equity investment advisor and one of its portfolio companies in a lawsuit against the portfolio company's former executive team and a competitive private equity investment advisor, based on corporate usurpation, conspiracy, breach of fiduciary duty, and misappropriation of trade secrets, in which Marc's client was seeking in excess of US\$700 million. After nine weeks of trial, on the eve of closing arguments, the case ended with an extremely favorable settlement
- Represented a large private equity investment advisor with US\$20 billion of assets under management, along with its President and Founder, in litigation involving fiduciary duty, shareholder derivative, defamation and contractual claims, in which the recovery sought against his clients was US\$200 million. After a three and a half week trial, Marc obtained a take nothing verdict in favor of his clients, along with a recovery of US\$2.8 million in attorneys' fees for his clients
- Successfully obtained dismissal of a patent infringement action in which damages sought against Marc's client was in excess of US\$500 million
- Obtained a transfer of intellectual property rights in favor of a major jewelry manufacturer whose patents and other intellectual property had been misappropriated by the former President and CEO
- Successfully reached a defense verdict on a commercial fraud case in which damages sought against the client were in excess of US\$100 million
- Achieved a total victory in favor of the former President of a national health insurance company in a non-competition and trade secret trial

## CREDENTIALS

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### Admissions

- New York
- Texas

### Recognitions

- Top 100 Texas Lawyers, 2015, 2016, and Top 100 Dallas/Fort Worth Lawyers
- *Super Lawyers* by *Thomson Reuters*, published in *Texas Monthly*, 2015 – 2017
- Leading Labor and Employment lawyers in Texas, *Chambers & Partners USA: America's Leading Business Lawyers*, 2015 – 2017
- Board Certified – Labor and Employment Law, Texas Board of Legal Specialization
- Texas Super Lawyer in Employment and Labor Law, *Super Lawyers* by *Thomson Reuters*, published in *Texas Monthly*, 2013 – 2017
- "Best Lawyers" in Dallas, *D Magazine*, 2011 – 2012 and 2014 – 2017
- Mentor of the Year, Dallas Urban Debate League, 2010 – 2011
- Dallas Chamber of Commerce, Leadership Dallas Program, 2006
- Texas Rising Star, *Super Lawyers* by *Thomson Reuters*, published in *Texas Monthly*, 2004 – 2009
- Best Lawyers Under 40 in Dallas, *D Magazine*, 2004
- Texas Association of Business & Chambers of Commerce, Associate Editor
- Guest lecturer on employment law, Dallas Baptist University, 2005 – 2006

### Education

- J.D., University of California, Berkeley, School of Law 1994

- B.A., Emory University 1991

## Courts

- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Illinois
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Illinois
- United States District Court for the Southern District of Texas

## INSIGHTS

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### Publications

#### Dallas employees may not want to call in sick

31 July 2019

An Austin-based conservative think tank filed suit this week against the City of Dallas arguing that the paid sick leave ordinance violates the United States Constitution.

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#### Dallas passes ordinance requiring paid sick leave for private sector workers – key facts to know

29 APR 2019

With the effective date rapidly approaching, companies with employees in the City of Dallas should become familiar with the ordinance and review their applicable policies.

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- Staying on top of New Management Liability Regulations and Their Impact on Employers *Inside the Minds: Protecting Corporations Against Management Liability Claims – Leading Lawyers on Analyzing Developments in Employment Regulations, Investigating and Responding to Allegations, and Creating Effective Compliance Strategies*, Aspatore Books (2013)
- Understanding Key Changes in Employment Law Regulations and Their Impact on Defense Strategies *Inside the Minds: Strategies for Employment Litigation – leading Lawyers on Successfully Litigating and Settling Employment Claims*, Aspatore Books (2012)
- 2015 Non-Compete Camp, UT Law (September 3, 2015)
- Instructor, DAYL Trial Skills Boot Camp, 2015 – 2017
- Trade Secret Claims Under the Texas Uniform Trade Secrets Act (September 17, 2015)
- "Decision Dynamics in Non-Compete Cases," UTCLE 2015 Non-Compete Camp: Drafting, Litigating and Trying Non-Competes, September 3, 2015
- Pertinent Trends Affecting Energy Sector and Compliance Issues During Corporate Layoffs, March 12, 2015

## Events

- Instructor, DAYL Trial Skills Boot Camp, 2015 – 2017
  - Trade Secret Claims Under the Texas Uniform Trade Secrets Act (September 17, 2015)
  - "Decision Dynamics in Non-Compete Cases," UTCLE 2015 Non-Compete Camp: Drafting, Litigating and Trying Non-Competes, September 3, 2015
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- Pertinent Trends Affecting Energy Sector and Compliance Issues During Corporate Layoffs, March 12, 2015
- "Arbitration Lunch and Learn," DAYL Training Program (May 18, 2011)
- "Updating, Drafting and Negotiating Non-Compete Agreements for Labor and Employment Clients in 2010," ExecSense Webinar (November 19, 2010)
- "The Instant Impact of *Stagi v. National Railroad Passenger Corp.* (3rd Cir. Aug. 16, 2010) on Disparate Impact Discrimination Litigation and the Use of Stastical Evidence" ExecSense Webinar (October 8, 2010)
- "Legal Issues Surrounding the Use of Social Media," presented at the ACC Annual In House Symposium (May 21, 2010)
- "Advancing Diversity and Inclusion Strategies in a Challenging Economic Environment," 6th Annual Texas Diversity & Leadership Conference (April 7-9, 2010)
- "How Far Do You Have to Go to Accommodate a Fragrance Sensitivity?" Dallas Bar Association – Corporate Counsel Section Meeting
- "What the Imminent Legislative Changes in Labor and Employment Laws Mean for Corporate Counsel," Dallas Bar Association – Corporate Counsel Section Meeting (January 6, 2009)
- "FMLA Makeover: How the Congress, DOL and Courts are reshaping Employer Leave Obligations," 2008 Advanced Employment Law Seminar (November 11, 2008)
- "Trade Secrets and Non-Compete Agreements, Texas Law Update," USFLG Annual Conference, Chicago, IL (October 2-3, 2008)
- "Legal Implications of Wellness Programming," Higginbotham & Associates, Fall Health Improvement & Cost Containment (September 2008)
- "Recent Developments Under the FMLA," Fort Worth Human Resource Management Association's 7th Annual Interactive Workshop (September 2008)
- *Texas Lawyer* Labor Law Roundtable (September 6, 2007), reprinted in *Texas Lawyer* (November 12, 2007) and *Texas Lawyer Executive Legal Adviser* (November /December 2007)

## NEWS

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## MEDIA MENTIONS

- *Texas Lawyer* (September 15, 2016)
- "Attorneys React to DOL's Final Overtime Exemption Rule," *Law360* (May 18, 2016)
- "For Lone Rangers Corporate Lawyer, Baseball is Appealing Environment," *Dallas Morning News* and *Texas Lawbook* (April 4, 2016)
- "What Does *Hobby Lobby* mean for Texas Employers?," *Texas Lawyer*, Vol 30, No 15, p.9 (July 7, 2014)
- "Prepare Protocol for Guestroom Theft Scenarios," *Hotel and Hotel Management* (August 3, 2010)
- Commentator, Personnel Legal Alert, Alexander Hamilton Institute, Inc., Volume 21, Number 12 (November 16, 2009)