



Joseph Alan Piesco

Partner

joseph.piesco@dlapiper.com

New York

T: +1 212 335 4537

F: +1 917 778 8629

Joseph Piesco represents employers in litigation before federal and state courts, administrative agencies and arbitration panels, with a major focus on employment-related class actions, including wage and hour class and collective actions, ADEA actions and actions under Title VII and concomitant state anti-discrimination laws. He also conducts training on issues, including: separation agreements, terminations and other disciplinary actions; reductions-in-force; employment policies and practices; wage and hour auditing; Title I and Title III ADA compliance and audits; anti-harassment and workplace diversity; and workplace violence.

• Employment

Joseph also has a longstanding management-side traditional labor law practice, with an emphasis on real estate development and mergers and acquisitions in the hospitality industry, and he represents clients in connection with collective bargaining negotiations, strikes and union arbitrations.

PROFESSIONAL & BUSINESS SERVICES

- Representation of one of the largest global business advisory firms for over a decade as outside employment counsel of choice regarding domestic and international employment advice, as well as arbitrations and court proceedings, including restrictive covenant litigations.
- Representation of the largest and most diverse ground transportation provider of its kind in North America, certain black car franchises and individual defendants in a wage and hour class and collective action brought pursuant to the Fair Labor Standards Act, New York Labor Law and New Jersey Wage and Hours Laws for purported misclassification of black car franchise owners and their lease drivers as independent contractors rather than employees.
- Representation of a national natural gas transmission company in connection with the defense of an FMLA retaliation and whistleblower lawsuit in the United States District Court for the Middle District of Louisiana. Joseph's team obtained summary judgment dismissing all claims prior to trial, and the decision was affirmed by the US Court of Appeals for the Fifth Circuit. Following the circuit court appeal, the Plaintiff filed a Petition for Writ of Certiorari to the United States Supreme Court. The Supreme Court denied the Plaintiff's Petition.
- Representation of one of the largest global distributors of electronic parts and components, in defense of claims against it by a

competitor for, among other things, alleged thefts of trade secrets and violations of the Lanham Act. The case was litigated for almost two years in state and federal courts located in Colorado and in New York. It ultimately settled after substantial discovery and motion practice.

MEDIA

- Representation of a Fortune 500, global media, film and television company, and its subsidiaries, in numerous high-profile race, national origin and pregnancy discrimination lawsuits, including a putative class action seeking to represent company-wide classes of workers.
- Defended a major New York newspaper and its Fortune 500 parent in high-profile employment discrimination actions brought by two reporters claiming race discrimination and retaliation, and involving novel issues of First Amendment law. Summary judgment was granted on all claims.
- Representation of one of the largest multi-national marketing companies in the connection with wage and hour class actions based on alleged violations of various wage payment laws.
- Representation of a start-up mixed-martial arts league, in connection with the defense of claims for, among others, theft of trade secrets and restrictive covenant violations, brought by the Ultimate Fighting Championship in 2008, which was fought in Las Vegas state court. The case was settled after successfully defending against the UFC's bid for an injunction prohibiting the IFL from competing in the industry.

EDUCATION

- Representation of one of the largest and most prestigious universities in the world in connection with an action brought in the Southern District of New York involving claims for unpaid wages, including overtime, under New York state labor laws.

RETAIL

- Representation of the largest, global convenience store franchisors in connection with wage and hour class action claims based on theory of "joint employer" liability.
- Representation of a major international fast food franchisor in wage and hour class and collective actions in which employees of franchisees sought to hold the franchisor liable on a "joint employer theory"
- Representation of a major clothing retailer in three separate lawsuits claiming that workers were improperly classified as "exempt" from the requirements of the FLSA and New York Labor Law and thus were owed payment for unpaid overtime premiums and related damages. The cases were settled on terms favorable to the client.
- Representation of the owner and operator of approximately 1,600 retail apparel stores throughout the United States, in connection with a putative class action brought by former employees alleging various wage and hour law violations in the United States District Court for the Northern District of Illinois. The case was settled for a small dollar amount after running a successful anti-certification campaign which enabled them to convince the plaintiff's counsel that the alleged claims had little, if any, merit.
- Representation of one of the largest, multi-national book store in defense of a WARN Class Action brought by former employees of the company in the United States Bankruptcy Court in New York. Secured a very favorable settlement early in the case.
- Defended large national yoga studio in a California class action by instructors alleging they were misclassified as independent contractors, thus seeking damages for purported unpaid working time and related wage and hour violations. The case settled on terms favorable to the client.

FINANCE

- Representation of one of the world's largest hedge funds with approximately \$19 billion under management, in a case against a rival hedge fund and several other corporate and individual defendants in the United States District Court for Southern District of New York for, among other claims, theft of trade secrets relating to trading of mortgage-backed securities. After obtaining an injunction against the defendants, subsequently obtained a settlement on terms favorable to the client.

CREDENTIALS

Admissions

- Colorado

- Illinois
- New Jersey
- New York

Recognitions

Joseph has been recognized by *The Legal 500 United States*.

For more information, pursuant to New Jersey Lawyer Advertising guidance, please [click here](#).

Education

- J.D., Villanova University School of Law
- B.A., Binghamton University

Courts

- Supreme Court of the United States
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of Colorado
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

INSIGHTS

Publications

Department of Labor Opinion Letter spells death knell for driver reimbursement claims under the FLSA

9 September 2020

The Opinion Letter provides substantial latitude to employers when reimbursing employees who use their personal vehicles in connection with their jobs.

Game changer – DOL and NLRB issue final rules interpreting joint employer status

5 March 2020

The new rules narrow the circumstances under which businesses may be considered joint employers under the FLSA and NLRA.

United States Supreme Court reaffirms use of class action waivers in arbitration agreements: next stop – employment contracts

18 DEC 2015

The most recent in a line of Supreme Court decisions affirming the validity of class action waivers in arbitration agreements

Employers beware: New York City's new "ban-the-box" law takes effect this October

16 SEP 2015

The FCA joins the existing body of New York law regulating and restricting the use of criminal background checks.

- Domino's not a joint employer, says SDNY: top points for franchisees and franchisors, 9 Oct 2018
- Navigating The Murky Waters Of Joint Employment Risks, Law360. August 28, 2017
- New York City passes new wage and hour restrictions on fast food and retail industry employers – action steps, 12 Jun 2017
- New York City to ban employers from asking job applicants about salary history: compliance action steps, 13 Apr 2017
- Arbitration may not be your best option, New Jersey Law Journal, May 06, 2005
- Avoiding Joint Defense Pitfalls in LAD Suits, New Jersey Lawyer: The Weekly Newspaper, November 22, 1999

Events

Previous

Employment issues facing executives arising out of government investigations

13 September 2021 | 12:00 - 1:45 ET

Webinar

NEWS

DLA Piper advises Sharp Alpha Advisors in formation of US\$10 million venture fund

13 October 2021

DLA Piper represented Sharp Alpha Advisors in the formation and closing of Sharp Alpha Fund I, an oversubscribed US\$10 million venture capital fund investing in early-stage sports betting technology companies.

PRO BONO

- Representation for several years as lead outside employment counsel of New York City's largest food rescue and distribution non-for-profit organization regarding executive and staff employment issues, union labor disputes and arbitrations.