



**Michael W. Massiatte**

**Of Counsel**

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Michael W. Massiatte, a former Assistant General Counsel for a technology and media company and a former Chief Employment Counsel for a publicly-traded energy company, focuses his practice on labor and employment matters, including employee and labor relations, employee benefits, workplace safety and obligations arising in connection with mergers and acquisitions. He also counsels clients on litigation, commercial transactions, corporate compliance and ethics, and risk management matters and he frequently conducts high-level internal investigations.

Michael provides advice and counseling to entities of all sizes, ranging from Fortune 100 companies to startups, on a wide range of business and employment-related issues.

Michael partners with clients to proactively address employment and compliance issues to minimize the risk of litigation. He regularly counsels employers on all aspects of the employment relationship. Michael also regularly works with employers to review and update employment policies and to provide training on a wide range of topics including workplace safety requirements and best practices, managing employee leave, handling employee discipline and discharge decisions, and protecting confidential and proprietary information. He also prepares executive and employment agreements, including those containing provisions aimed at protecting trade secrets and other business interests.

Michael also advises clients on corporate compliance and risk management matters and advises companies in connection with corporate internal and governmental investigations. He counsels clients on developing, implementing and enhancing corporate compliance and ethics programs to address a broad range of potential risks, among them anti-corruption/anti-bribery, antitrust, privacy, cyber-security, and data protection and information management.

Leveraging his extensive experience and knowledge of in-house legal operations, Michael also provides general counsel services to his legal and business clients that includes functioning as outside general counsel.

- Employment
- Litigation, Arbitration and Investigations
- Corporate
- Emerging Growth and Venture Capital
- Projects, Energy and Infrastructure

- Hospitality and Leisure
- Technology
- Energy and Natural Resources
- Infrastructure, Construction and Transport

### **Employment Litigation Experience:**

- Lead counsel for employment and fiduciary duty dispute involving former Chief Executive Officer. Successfully resolved the matter for a fraction of the pre-suit demand.
  - Obtained a defense verdict for a multinational employer on an employment and trade-secret-theft case.
  - Lead counsel in the defense of a petrochemical company in an arbitration of employment claims. Successfully obtained a complete defense decision.
- M&A Experience:
- Lead employment counsel for a US subsidiary of an international defense contractor in connection with multiple US\$1 billion buy-side transactions.
  - Lead employment counsel for buy and sell-side transactions for companies across the following sectors: energy and natural resources; financial services; healthcare; hospitality and leisure; insurance; real estate; and technology.

### **M&A Experience:**

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### **Workplace-Safety Experience:**

- Provide advice and counsel to national employers regarding return-to-work issues related to COVID-19.
- Investigate workplace accidents and serve as on-site counsel following catastrophic workplace accidents involving fatalities and/or hospitalizations.
- Handle OSHA inspections (both on-site and via the RRI process) and whistleblower complaints.
- Handle, negotiate and resolve OSHA citations.
- Regularly provide advice and counsel to ensure corporate compliance regarding workplace safety requirements and best practices.
- Design and implement safety and health programs (including conducting safety and health audits).
- Regularly train management and supervisors regarding workplace safety requirements and best practices.

## **CREDENTIALS**

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### **Admissions**

- Texas

### **Prior Experience**

- Tabletop Media, LLC d/b/a Ziosk, Associate General Counsel
- Denbury Resources Inc., Chief Employment and Compliance Counsel

### **Recognitions**

- Texas Rising Star, Super Lawyers by Thomson Reuters, *Texas Monthly*, 2010 – 2011
- E. Randolph Williams Excellence in Pro Bono Award 2010
- Dallas Association of Young Lawyers Leadership Class 2008
- Association of Corporate Counsel : Labor and Employment and Compliance and Ethics Committee (2011 – present)
- Instructor, Employment Law for Non-Profit Organizations (Center for Non-Profit Management) (2009 – present)

### **Education**

- J.D., St. Mary's University
- B.A., Government, University of Texas at Austin

## Courts

- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Western District of Texas

## Memberships

- Appointed member, State Bar of Texas Pattern Jury Charge Committee – Business, Consumer, Employment and Insurance (2012 – present)
  - Chair, Employment subcommittee (2019-present)
- Board Member, Center for Global Business Advisory Board, UT Dallas – Naveen Jindal School of Management (2017 – present)

## Civic and Charitable

- Outside general counsel, United States Hispanic Chamber of Commerce Foundation, Inc. (2017 – present)
- Outside employment counsel, Ronald McDonald House of Dallas, Inc.
- Governing Board member, North Texas Performing Arts (2018-present)

## INSIGHTS

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### Publications

#### **Governor Greg Abbott and the Texas Legislature take steps to limit employer vaccine mandates**

20 October 2021

Recent developments and implications.

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#### **President Biden announces new vaccination requirements – what private employers and federal contractors need to know**

14 September 2021

Employers already struggling with a puzzling array of compliance challenges aimed at combating COVID-19 now face additional vaccination and testing requirements.

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#### **The EEOC breaks its silence on the COVID-19 vaccine**

22 December 2020

Some of the most important questions answered by the EEOC's guidance.

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#### **Assessing ESG factors in the energy sector**

27 October 2020  
ESG Handbooks and Guides

A reference tool for energy companies as they discuss and refine their ESG programs.

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### Returning to work: OSHA issues guidance

21 July 2020  
The latest guidance includes FAQ responses which clarify OSHA's position on a number of important COVID-19 issues.

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### Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19

2 April 2020  
Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

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### Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know

29 March 2020  
Key questions and answers related to the new DHS guidance.

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- Co-Author, "Employment Issues Facing Energy Companies in 2021 and Beyond," *POWER Magazine*, January 4, 2021
- Co-Author, "COVID-19 Employment Law: New and Emerging Compliance Challenges," *Texas Lawyer*, December 2020
- Co-Author, "Employment Law in the Year of COVID-19: A Review of New and Emerging Compliance Challenges Facing Employers in 2020 and Beyond," *Texas Lawyer*, October 2020
- *Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19*, 2 April 2020
- *Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know*, 29 March 2020
- *Epic Systems Corp. v. Lewis*: Supreme Court affirms employers' efforts to "waive" goodbye to wage-and-hour class and collective actions, 29 May 2018
- Co-Author, *Class Arbitration in the United States*, *Lexis PSL* (2018-present)

## Events

### Previous

#### US employment law update

12 October 2021 | 1:00 – 2:00 ET  
Webinar

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#### The impact of COVID-19 on employment litigation

20 May 2021 | 12:00 - 1:00 ET

The impact of COVID-19 on employment litigation  
Webinar

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### **The impact of COVID-19 on employment litigation**

18 May 2021 | 12:00 - 1:00 ET  
The impact of COVID-19 on employment litigation  
Webinar

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### **Force Majeure Clauses in Contracts: Drafting and Enforcing Provisions for US and International Agreements**

11 May 2021  
Webinar

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### **Employment in the consumer goods, food and retail sectors in 2021 – what to expect**

16 February 2021  
Webinar

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### **US employment webinar: 2020 review and 2021 preview**

2 February 2021 | 9:00 - 10:00 PT  
Webinar

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### **Crisis management for businesses 2.0: The impact of COVID-19 6+ months in**

19 October 2020 | 12:00 - 1:00 CT  
Webinar

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### **US back to work considerations for employers**

3 June 2020 | 12:00 – 1:00 p.m. ET  
Webinar

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- "Force Majeure Clauses in Contracts: Drafting and Enforcing Provisions for U.S. and International Agreements," Strafford, (May 2021)
- "Crisis Management for Businesses—The Impact of COVID-19," American Bar Association- Commission on Hispanic Legal Rights & Responsibilities (May 2020)
- "Beyond the Curve: Returning to Work Amid COVID-19," (May 2020)
- HNBA Corporate Counsel Division Cena, 20 February 2020
- "2019- #MeToo in the Workplace and Beyond," 2019 HNBA Annual Convention (September 27, 2019) (New York, New York)

- "New Employment Challenges in Transportation and Logistics," Strafford Webinar (April 17, 2019)
- "Amicus Briefs: Influence and Impact," 2019 HNBA Corporate Counsel Conference & Moot Court Competition (March 22, 2019) (Albuquerque, New Mexico)
- "Health and Safety Training for Supervisors and Managers: What you Need to Know About OSHA" (December 2018 and February 2019) (Fort Edward, New York and Macon, Georgia)
- "Employee Leave Issues: FMLA, ADA, and Workers' Compensation" (November 2018) (Dallas, Texas)
- "Navigating Through Federal and State Employment Laws" (October and November 2018) (Houston, Texas)
- "The View from South of the Border: Update on Select Issues in US Employment Law," Calgary E&L Client Conference (October 2018) (Calgary, Canada)
- "Creating Enforceable Arbitration Agreements and Class Waivers in Employment Agreements," Clear Law Institute Webinar (October 2018)
- "Form I-9 Best Practices for Employers, Dallas," Texas (September 2018) (Dallas, Texas)
- "Employment Contracts After Epic SCOTUS Decision: Arbitration Agreements and Class Waivers," Strafford Webinar (August 2018)
- "Positive Work Environments and Unions" (July 2018) (Dallas, Texas)
- "Conducting HR Assessments: Before and After an Employee Complaint" (June 2018) (Dallas, Texas)
- "Ringing in 2018: Employment Best Practices to Avoid a New Year's Hangover" (January 2018) (Houston, Texas)
- "W-2 or 1099, Employee and Independent Contractor Issues in the Uber Age," Hispanic National Bar Association 7th Annual Corporate Counsel Conference (March 2016)
- "Ethical Issues in Employment Investigations and Litigation," Hispanic National Bar Association 6th Annual Corporate Counsel Conference (March 2015)
- "Building for Tomorrow – How Technology Can Scale the Effectiveness of Ethics and Compliance," Ethics and Compliance Officer Association's 23rd Annual E&C Conference (March 2015)
- "Effective Ways of Using Technology in Your Compliance and Ethics Program," Consero Corporate Compliance and Ethics Forum (December 2014)
- "Employees on Leave – Issues When Benefits Stop for Employees on FMLA, Sick or Disability Leave," SWBA 24th Annual Conference (November 2013)

## NEWS

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### **DLA Piper advises Solis LLC and Parasol Renewable Energy LLC in sale of Clēnera with an enterprise value of US\$433 million**

1 July 2021

DLA Piper represented Solis LLC and Parasol Renewable Energy LLC in the sale of renewable energy company Clēnera to Enlight Renewable Energy LTD.

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### **Four DLA Piper lawyers named to *D Magazine's* 2021 Best Lawyers in Dallas list**

3 May 2021

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### **DLA Piper advises Sawafi in its acquisitions of Newsco International Energy Services USA and Telemetry USA Inc.**

23 February 2021

DLA Piper represented Sawafi Al-Jazeera Oilfield Products and Services Co. Ltd. in its simultaneous acquisitions of Newsco International Energy Services USA Inc. and Telemetry USA Inc.

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## MEDIA MENTIONS

- "Diversity Rising: COVID-19 Employment Law," *Texas Lawyer*, December 2020