

TRAVIS R. HOLLIFIELD

Florida Bar No.: 94420

Florida Supreme Court Mediator No.: 20155-RA

HOLLIFIELD LEGAL CENTRE

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LEGAL

EXPERIENCE: **Hollifield Legal Centre**
Winter Park, Florida (1996 to present)

Litigated hundreds of cases in federal and state courts primarily involving (1) employment law matters including sexual harassment, sexual abuse, pregnancy discrimination, disability discrimination, whistleblower retaliation, non-competition agreements, and Family and Medical Leave Act claims, and (2) intellectual property claims including copyright, trademark, trade secret, and patent infringement cases.

Mr. Hollifield is rated “AV Preeminent” by Martindale-Hubbell and has been selected numerous times for inclusion in *Best Lawyers in America* (2009-2024) and *Florida Super Lawyers* (2013-2023) in the field of Employment Law. In 2021, 2022, and 2023, Mr. Hollifield was selected as one of the Top 50 lawyers in Orlando by *Florida Super Lawyers*. For 2023, Mr. Hollifield was named by *Best Lawyers in America* as “Lawyer of the Year” in Orlando for the Employment Law – Individuals category.

MEDIATION

EXPERIENCE: **Hollifield Mediation Centre**
Winter Park, Florida (2006 to present)

Florida Supreme Court Certified Circuit Civil Mediator (2006)
U.S. District Court - Middle District of Florida Certified Mediator (2009)
Fifth District Court of Appeals Certified Mediator (2010)
Florida Supreme Court Certified Appellate Mediator (2011)

Mediated numerous federal and state court civil claims primarily in the areas of employment and intellectual property law along with general business/commercial disputes and construction-related litigation.

ARBITRATION

EXPERIENCE: Mr. Hollifield arbitrates employment law disputes and serves as a solo arbitrator or part of a panel.

PROFESSIONAL ASSOCIATIONS:

- * The Florida Bar
- * U.S. Supreme Court
- * U.S. Court of Appeals – Eleventh Circuit

- * U.S. District Courts – Northern, Middle & Southern Districts of Florida
- * Federal Bar Association – Orlando Chapter
- * National Employment Lawyers Association – National and Florida Chapters
- * Orange County Bar Association – Labor and Employment Law Committee¹
- * Orange County Bar Association – Intellectual Property Law Committee
- * Orange County Bar Association – Appellate Practice Committee
- * Orange County Bar Association – Alternative Dispute Resolution Committee²

LEGAL

EDUCATION: Juris Doctorate (1996)
Nova Southeastern University
Fort Lauderdale, Florida

Honors: *Finalist* - Clarence Darrow Trial Advocacy Competition (1996)
Book Award - Trial Advocacy (1995)

UNDERGRADUATE

EDUCATION: B.A. - Journalism (1991)
University of Central Florida
Orlando, Florida

REPORTED CASES (Labor & Employment):³

Buckles v. Focus! ... On Innovation, Inc., 2014 WL 988765 (M.D. Fla. 2014).
Buckles v. Focus! ... On Innovation, Inc., 2014 WL 982841 (M.D. Fla. 2014).
Buckles v. Focus! ... On Innovation, Inc., 2013 WL 5305683 (M.D. Fla. 2013).

Cardinale v. Southern Homes of Polk County, Inc., 310 Fed.Appx. 311 (11th Cir. 2009).
Cardinale v. Southern Homes of Polk County, Inc., 2008 WL 2199273 (M.D. Fla. 2008).
Cardinale v. Southern Homes of Polk County, Inc., 2008 WL 788460 (M.D. Fla. 2008).

Carsillo v. City of Lake Worth, 995 So.2d 1118 (Fla. 4th DCA 2008) (as *amicus curiae* for National Employment Lawyers Association – Florida Chapter) rev. denied *City of Lake Worth v. Carsillo*, 20 So.3d 848 (Fla. 2009).

Castoro v. Planet Financial Group, LLC, 2018 WL 11466784 (M.D. Fla. 2018)

Cattafi v. Checker's Drive-In Restaurants, Inc., 90 So.3d 300 (Fla. 5th DCA 2012).

Charles v. Boca Raton Regional Hospital, 177 So.3d 620 (Fla. 4th DCA 2015).

Coddington v. Town of Montverde, 2012 WL 6699243 (M.D. Fla. 2012).

Delva v. The Continental Group, Inc., 137 So.3d 371 (Fla. 2014).

¹ Mr. Hollifield served as the OCBA Labor and Employment Law Committee Chair for the 2003-2004 and 2015-2016 terms.

² Mr. Hollifield served as the OCBA Alternative Dispute Resolution Committee Chair for the 2019-2020 term.

³ This section lists Mr. Hollifield's reported employment law cases from 2005 to the present in alphabetical order.

Flynn v. Interplan, LLC, 2009 WL 4893146 (M.D. Fla. 2009).

Fusco v. Victoria's Secret Stores, LLC, 806 F.Supp.2d 1240 (M.D. Fla. 2011).

Giarolo v. Goodwill Industries of Central Florida, Inc., 2014 WL 3822960 (M.D. Fla. 2014) (Magistrate report & recommendation) adopted and confirmed by *Giarolo v. Goodwill Industries of Central Florida, Inc.*, 2014 WL 3827527 (M.D. Fla. 2014).

Hopkins v. Gannett Fleming, Inc., 2016 WL 11565524 (M.D. Fla. 2016) (Magistrate report & recommendation) adopted and confirmed by *Hopkins v. Gannett Fleming, Inc.*, 2016 WL 11565525 (M.D. Fla. 2016).

Johnson v. Winghouse of Sanford, LLC, 2006 WL 1382064 (M.D. Fla. 2006).

Kautter Wenhold Management Group, Inc. v. Campbell, 2017 WL 4928223 (Fla.Cir.Ct. 2017).

Khalil v. Jacobs Engineering Group, Inc., 2012 WL 13136835 (M.D. Fla. 2012) (Magistrate report & recommendation) adopted and confirmed by *Khalil v. Jacobs Engineering Group, Inc.*, 2012 WL 13136802 (M.D. Fla. 2012).

Loos v. Club Paris, LLC, 731 F.Supp.2d 1324 (M.D. Fla. 2010).
Loos v. Club Paris, LLC, 684 F.Supp.2d 1328 (M.D. Fla. 2010).
Loos v. Club Paris, LLC, 2009 WL 3294817 (M.D. Fla. 2009).
Loos v. Club Paris, LLC, 2009 WL 1458040 (M.D. Fla. 2009).
Loos v. Club Paris, LLC, 2009 WL 1046207 (M.D. Fla. 2009).

Mason v. Wyndham Vacation Ownership, Inc., 2012 WL 570037 (M.D. Fla. 2012).

Pond v. Red Lambda, Inc., 2020 WL 4808744 (M.D. Fla. 2020) (Magistrate report & recommendation) adopted and confirmed by *Pond v. Red Lambda, Inc.*, 2020 WL 4785449 (M.D. Fla. 2020).

Rahilly Conley v. Northwest Florida State College, 145 F.Supp.3d 1073 (N.D. Fla. 2015).

Rodriguez v. Urology Cent. of Fla., LLC, 2009 WL 2753186 (M.D. Fla. 2009).

R.S. Elliott Specialty Supply, Inc. v. Pemoulie, 2019 WL 384076 (Fla.Cir.Ct. 2019).

Saphos v. Grosse Pointe Development Co., Inc., 2008 WL 976839 (M.D. Fla. 2008).

Saunders v. St. Cloud 192 Pet Doc Hospital, LLC, 224 So.3d 336 (Fla. 5th DCA 2017).

Schettini v. American Fundraising Foundation, Inc., 2020 WL 7422154 (M.D. Fla. 2020) (Magistrate report & recommendation) adopted and confirmed by *Schettini v. American Fundraising Foundation, Inc.*, 2020 WL 7422155 (M.D. Fla. 2020).

Sciacca v. Vectorworks Marine, LLC, 2013 WL 656325 (M.D. Fla. 2013).

Stephenson v. P.C.M.D. Management, Inc., 2006 WL 3422573 (Fla.Cir.Ct. 2006).

Thomas v. Marques, 2005 WL 8160379 (M.D. Fla. 2005).

Truog v. Knight's Manufacturing Company, 2016 WL 3356997 (Fla.Cir.Ct. 2016).

Wright, A. v. Allstate Insurance Company, 2020 WL 5757523 (M.D. Fla. 2020).

Wright, D. v. Wyndham Vacation Ownership, Inc., 2012 WL 3522047 (M.D. Fla. 2012).

REPORTED CASES (Intellectual Property):⁴

Clever Covers, Inc. v. S.W. Florida Storm Defense, LLC, 2010 WL 1655577 (M.D. Fla. 2010).

Clever Covers, Inc. v. S.W. Florida Storm Defense, LLC, 2010 WL 1655545 (M.D. Fla. 2010).

Clever Covers, Inc. v. S.W. Florida Storm Defense, LLC, 554 F.Supp.2d 1303 (M.D. Fla. 2008).

Clever Covers, Inc. v. Storm Guard, Inc., 2006 WL 2691759 (M.D. Fla. 2006).

Clever Covers, Inc. v. Storm Guard, Inc., 2006 WL 2474266 (M.D. Fla. 2006).

Drenberg v. Focus! ... On Surety, LLC, 2013 WL 6768667 (M.D. Fla. 2013).

Everything Divine, Inc. v. O'Quinn, 2014 WL 3593691 (M.D. Fla. 2014).

Everything Divine, Inc. v. O'Quinn, 2014 WL 4354435 (M.D. Fla. 2014).

Everything Divine, Inc. v. O'Quinn, 2014 WL 4354431 (M.D. Fla. 2014).

Everything Divine, Inc. v. O'Quinn, 2014 WL 4354430 (M.D. Fla. 2014).

Knights Armament Co. v. Optical Systems Tech., Inc., 2012 WL 3932863 (M.D. Fla. 2012).

Knights Armament Co. v. Optical Systems Tech., Inc., 654 F.3d 1179 (11th Cir. 2011).

Knights Armament Co. v. Optical Systems Tech., Inc., 2010 WL 4009148 (11th Cir. 2010).

Knights Armament Co. v. Optical Systems Tech., Inc., 2010 WL 4008789 (11th Cir. 2010).

Knights Armament Co. v. Optical Systems Tech., Inc., 647 F.Supp.2d 1321 (M.D. Fla. 2009).

Knights Armament Co. v. Optical Systems Tech., Inc., 636 F.Supp.2d 1283 (M.D. Fla. 2009).

Knights Armament Co. v. Optical Systems Tech., Inc., 2009 WL 331608 (M.D. Fla. 2009).

Knights Armament Co. v. Optical Systems Tech., Inc., 254 F.R.D. 470 (M.D. Fla. 2008).

Knights Armament Co. v. Optical Systems Tech., Inc., 254 F.R.D. 463 (M.D. Fla. 2008).

Knights Armament Co. v. Optical Systems Tech., Inc., 568 F.Supp.2d 1369 (M.D. Fla. 2008).

Knights Armament Co. v. Optical Systems Tech., Inc., 2008 WL 2157108 (M.D. Fla. 2008).

Responsible Me, Inc. v. Evenflo Co., Inc., 2009 WL 528247 (S.D. Fla. 2009).

Responsible Me, Inc. v. Evenflo Co., Inc., 2008 WL 3992329 (S.D. Fla. 2008).

Shottland v. Harrison, 2012 WL 2814350 (S.D. Fla. 2012).

Systematic Home Staging, LLC v. MHM Professional Staging, LLC, 2017 WL 4681025 (M.D. Fla. 2017).

Third Party Verification, Inc. v. SignatureLink, Inc., 492 F.Supp.2d 1314 (M.D. Fla. 2007).

Third Party Verification, Inc. v. SignatureLink, Inc., 2007 WL 1471962 (M.D. Fla. 2007).

Third Party Verification, Inc. v. SignatureLink, Inc., 2007 WL 1288361 (M.D. Fla. 2007).

Third Party Verification, Inc. v. SignatureLink, Inc., 2006 WL 8448725 (M.D. Fla. 2006).

Vokal, Inc. v. Nelly, 2005 WL 2304965 (M.D. Fla. 2005).

⁴ This section lists Mr. Hollifield's reported intellectual property law cases from 2005 to the present in alphabetical order.

White Wave International Labs, Inc. v. Lohan, 2011 WL 2669658 (M.D. Fla. 2011).
White Wave International Labs, Inc. v. Lohan, 2010 WL 3835873 (M.D. Fla. 2010).

LAW SCHOOL TEACHING POSITIONS

- 2014 (Summer semester) Adjunct Professor of Law – Employment Law
Barry University Dwayne O. Andreas School of Law
Orlando, Florida
- 2011 (Spring semester) Adjunct Professor of Law – Entertainment Law
Barry University Dwayne O. Andreas School of Law
Orlando, Florida
- 2010 (Spring semester) Adjunct Professor of Law – Intellectual Property Law
Barry University Dwayne O. Andreas School of Law
Orlando, Florida

PUBLICATIONS AND ARTICLES

- 2021 Preventing Re-Victimization of Sexual Harassment Victims: The Limits of Discovery of Plaintiff’s Intimate Past in Sexual Harassment Suits, The Florida Bar Journal – Vol. 95, No. 4.
- 2017 Integrated Employer/Enterprise Doctrine in Labor & Employment Cases, The Federal Lawyer – Vol. 64, No. 10.
- 2017 Emerging Protections for Nursing Mothers in the Workplace, The Florida Bar Journal – Vol. 91, No. 5.
- 2012 Employment Retaliation Claims See Spike in Filings, The Briefs (Orange County Bar Association) – Vol. 80, No. 6.
- 2011 The Pregnancy Discrimination Act – A Guide for Plaintiff Employment Lawyers, Williams, P. Daniel; 1st Ed.; BNA Books (contributing author for Chapter 9, section III focusing on pregnancy-related FMLA claims).
- 2007 Successor Liability Issues in Labor & Employment Law, The Florida Bar Journal – Vol. 81, No. 1; quoted in *Hamovitz v. Santa Barbara Applied Research, Inc.*, 2010 WL 1337713 at *10 n. 32 (W.D. Pa. 2010).

PRESENTATIONS FOR CONTINUING LEGAL EDUCATION (“CLE”) CREDIT⁵:

Client Preparation for (Zoom) Mediations in 2023, Florida NELA Summer Conference, Orlando, Florida, (co-presented by Travis Hollifield, Shane Munoz, and Jim Shea), August 2023.

Presentation summary: Tips from three certified circuit civil mediators with employment law experience to help attorneys prepare plaintiff clients for participation in mediations in 2023 and beyond using the now-ubiquitous Zoom platform. Discussion includes the benefits of sharing “confidential” mediation statements

⁵ This section summarizes Mr. Hollifield’s CLE lectures from 2005 to the present in reverse chronological order.

with opposing counsel before the mediation including trying to reach agreement on non-monetary clauses beforehand if possible.

Client & Witness Preparation for Trials and Depositions, Florida NELA Summer Conference, St. Augustine Beach, Florida, August 2022.

Preparation summary: Overview of best practices for preparing plaintiff clients and witnesses to testify at trials and depositions. Detailed discussion of the three-point “eternal triangle” of answering lawyer’s questions under oath; that is (1) truthfulness, (2) consistency, and (3) brevity. Common techniques and traps for the unwary are revealed with citation to FL-NELA member Jim Garrity’s book “Five Minute Guide to Creating Invincible Deponents.”

Tips for Primary Dispute Resolution (a/k/a Mediation), Florida NELA Summer Conference, Bonita Springs, Florida, August 2021.

Presentation summary: Discussion of tips for preparing plaintiff clients to participate in the inevitable pre-suit or pre-trial mediation conference focusing particularly on how to determine the settlement value of an employment-related claim. The fundamental economic tension in employment-related mediation conferences is examined in detail.

The Limits of Discovery Concerning a Sexual Harassment Plaintiff’s Intimate Past in the #MeToo Era, Orange County Bar Association Labor & Employment Law Conference, Orlando, Florida, September 2019.

Presentation summary: Consideration of the law regarding the scope of permissible discovery into details of a sexual harassment plaintiff’s past intimate encounters outside of the workplace that gave rise to the plaintiff’s claim.

Central Florida’s Anti-Discrimination County Ordinances a/k/a Why Sue Under Anything Else?, Orange County Bar Association Labor & Employment Law Conference, Orlando, Florida, October 2018.

Presentation summary: Overview of local county (Orange, Volusia, and Osceola) ordinances that prohibit discrimination and retaliation in many private sector employment relationships including discussion of the protections afforded to workers thereunder.

Pleadings and Motion Practice Over Pleadings in Employment Law Cases, Florida Bar Labor & Employment Law Annual Conference, Palm Beach, Florida (co-presented by Travis Hollifield and James Craig), August 2017.

Presentation summary: Discussion of *Iqbal* and *Twombly* “facial plausibility” pleading standard in federal court, whether that standard extends to pleading affirmative or other defenses, and contrasting the standard with the requirements of state court pleading.

FMLA Basics and Beyond, Florida Bar Labor & Employment Law Annual Conference, Naples, Florida (co-presented by Travis Hollifield and Chelsie Flynn), September 2016.

Presentation summary: Review of FMLA basics with additional focus on protections for pregnant and new parent workers along with discussion of the U.S. Department of Labor's 2016 publication entitled "Employer Guide to the FMLA".

State v. Federal Court – Key Differences in Practice & Procedure, Orange County Bar Association Bench Bar Conference, Orlando, Florida (moderated by Heather Meglino with panel members U.S. Magistrate Judge Tom B. Smith, Kristyne Kennedy, and Travis Hollifield), April 2016.

Presentation summary: Overview of primary differences between litigating employment cases in the state and federal court systems.

Litigating Attorney's Fees in Employment Cases, Orange County Bar Association Bench Bar Conference, Orlando, Florida (moderated by Vanessa Braga with panel members U.S. Magistrate Judge David A. Baker and Travis Hollifield), April 2016.

Presentation summary: Discussion of essential considerations courts utilize when determining the entitlement to and amount of attorney's fees to be awarded to prevailing parties in employment related cases.

The ADAAA's Interactive Process a/k/a "Ramifications for Employers Who Won't Talk." Florida NELA Summer Conference, St. Petersburg, Florida, September 2015.

Presentation summary: Consideration of U.S. Supreme Court and federal intermediate appellate court cases discussing the respective expectations of employers and employees, pursuant to the ADAAA and its regulatory scheme, to engage in an "interactive process" to ascertain whether a reasonable accommodation exists to assist a disabled employee to maintain employment that is not an undue hardship on the employer's operations.

The Manager Rule (Protection of HR and Other Managers from Retaliation) a/k/a "Kill the Messenger? Sure, Go Ahead.", Florida NELA Summer Conference, Naples, Florida, August 2014.

Presentation summary: Consideration of federal intermediate appellate court cases holding that the federal common law "Manager Rule" bars federal and state retaliation claims litigated in federal court when employees in management positions either (1) do not "step outside" their ordinary management duties to oppose unlawful activity of their employer or advocate on behalf of themselves or other employees concerning legal rights protected by employment retaliation statutes (i.e.; failing to "go far enough" with their objections) or (2) "go too far" in their advocacy by either advocating in an objectionable manner (from the employer's perspective) or in favor of rights not protected by the relevant statutes. A "Manager Balancing Test" is proposed as an alternative to the "Manager Rule."

Employment Retaliation Overview, Orange County Bar Association Bench Bar Conference, Orlando, Florida (presented and moderated by Travis Hollifield with panel members U.S. District Judge Roy B. Dalton, Jr., U.S. Magistrate Judge Karla R. Spaulding, and David A. Spalter), April 2014.

Presentation summary: Overview of U.S. Supreme Court cases interpreting the anti-retaliation provisions of Title VII of the Civil Rights Act and the Fair Labor Standards Act.

Employer Successor Liability in Asset Sales: Exclusion Provisions Are No Shield, Strafford Publications National Webinar (co-presented by Travis Hollifield, Michael Collins, and Joshua Davis), December 2013.

Presentation summary: Discussion of the law of successor liability which concerns whether a successor corporation or entity can be liable for employment-related discrimination, harassment, or retaliation of a previous company which differs significantly from successor liability in other legal and factual contexts.

Pregnancy Discrimination Update, Florida NELA Summer Conference, Naples, Florida (co-presented by Travis Hollifield and Dan Williams), August 2013.

Presentation summary: Update on new developments in Florida appellate jurisprudence concerning whether pregnancy discrimination is prohibited as a form of sex discrimination under the Florida Civil Rights Act. Specific focus is on arguments made in the *Delva v. The Continental Group, Inc.* appeal being considered by the Florida Supreme Court.

Pregnancy Discrimination under the Florida Civil Rights Act, Orange County Bar Association Labor & Employment Law Conference, Orlando, Florida, November 2012.

Presentation summary: Update on new developments in Florida appellate jurisprudence concerning whether pregnancy discrimination is prohibited as a form of sex discrimination under the Florida Civil Rights Act.

Pending Legislation on Wage Theft in Florida, Orange County Bar Association Labor & Employment Law Conference, Orlando, Florida, February 2012.

Presentation summary: Consideration of pending Florida legislation regarding wage theft which may go into effect July 1, 2012. Comparison of possible new statute's essential rights and obligations with those existing under Florida common law, the Florida Constitution, the federal Fair Labor Standards Act, and the Miami-Dade Wage Theft Ordinance.

Jury Instructions in Employment Cases, Florida NELA Winter Conference, Orlando, Florida (co-presented by Travis Hollifield, Craig Berman, and The Honorable Robin Rosenberg), February 2011.

Presentation summary: The current state of the law on employment law jury instructions and strategies for preparing jury instructions. Special focus is given to jury instructions where federal and state claims are commingled in the same lawsuit and a discussion of cases where federal courts have elected to refrain from exercising supplemental jurisdiction over state claims to avoid jury confusion.

Successor Liability in Labor and Employment Cases, Orange County Bar Association Labor & Employment Law Conference, Orlando, Florida, February 2011.

Presentation summary: Updated review of the law of successor liability which concerns whether a successor corporation or entity can be liable for discrimination, harassment, or retaliation of a previous company which differs significantly from successor liability in other legal and factual contexts. Special focus is given to the applicability of the doctrine in bankruptcy and other court-approved asset sale settings (i.e.; UCC).

Res Judicata and Claims Preclusion - Splitting Causes of Action in State and Federal Court Can Result in a Splitting Headache, Florida NELA Fall Conference, St. Petersburg Beach, Florida (co-presented by Travis Hollifield and Louis Pfeffer), September 2010.

Presentation summary: The term “claims preclusion” is another name for the concept of *res judicata* which relates to splitting causes of action into separate suits in the same or separate courts but which also have the potential for simultaneous litigation. *Res judicata* involves analysis of four factors; namely, whether (1) the earlier filed action was rendered by a court of competent jurisdiction; (2) a final judgment on the merits was entered; (3) both actions involved the same parties and their privities; and (4) both cases involve the same causes of action. After considering these four factors, a court must then determine whether the claim raised in later filed action “was or could have been raised in the prior action”; if the answer is “yes” then *res judicata* typically applies and bars the second suit. The term “issue preclusion” is another name for collateral estoppel which is a related doctrine which may preclude re-litigation of issues decided in an earlier filed lawsuit.

Integrated Employer/Enterprise Doctrine in Labor & Employment Law, Orange County Bar Association Labor & Employment Law Conference, Orlando, Florida, February 2010.

Presentation summary: Integrated employer/enterprise doctrine arises from federal common law for Title VII/ADA/ADEA claims, regulatory law for FMLA claims, and statutory law for NLRA and FLSA claims. This doctrine comprises either a 3-factor (for FLSA) or 4-factor (for all other claims) analytical test to determine whether two or more business entities are sufficiently related to aggregate revenue (for FLSA and some NLRA/LMRA purposes) or employees (for all other claims) for purposes of establishing the minimum “employer” coverage requirements sufficient for a plaintiff to assert liability against her direct employer. While some courts have permitted plaintiffs to use the integrated employer doctrine in Title VII-type claims to establish “affiliate liability” (joint and several liability against all entities deemed integrated), the national trend has moved away from such application of the doctrine.

Appellate Advocacy – Gender and Age Discrimination and Retaliation Mock Appeal, Florida NELA Winter Conference, Orlando, Florida, February 2010.

Presentation summary: Florida NELA members Travis Hollifield of Winter Park and Rick Johnson of Tallahassee argued opposite sides of a fact pattern raising issues of gender and age discrimination and retaliation before a judicial panel including Eleventh Circuit Court of Appeals Senior Judge Peter Fay.

2009 Review of Supreme Court Employment Law Decisions, Federal Bar Association/Orange County Bar Association Joint Labor & Employment Law Conference, Orlando, Florida (co-presented by Travis Hollifield and Tracey Ellerson), November 2009.

Presentation summary: Review of most impactful U.S. Supreme Court labor & employment law cases from 2009 term including *Crawford v. Metropolitan Government of Nashville and Davidson County, Tennessee*, 129 S.Ct. 846 (2009) (clarifying meaning of opposition clause under Title VII); *AT&T Corporation v. Hulteen*, 129 S.Ct. 1962 (2009) (holding that pre-Pregnancy Discrimination Act [“PDA”] denials of employee benefits to pregnant workers do not necessarily amount to unlawful discrimination even where the negative impact of the denial did not accrue until after enactment of PDA unless plaintiff proves discriminatory intent or effect); and *14 Penn Plaza, LLC v. Pyett*, 129 S.Ct. 1456 (2009) (arbitration of employment-related dispute clauses in collective bargaining agreements negotiated by a union on behalf of its members are lawful if they are “freely negotiated” and the intent to arbitrate is “clear and unmistakable”

at least in instances where individual employees -- and not the union -- control access to and presentation of claims in arbitration).

Integrated Employer/Enterprise Doctrine in Labor & Employment Law, Florida NELA Fall Conference, St. Petersburg, Florida, September 2009.

Presentation summary: Integrated employer/enterprise doctrine arises from federal common law for Title VII/ADA/ADEA claims, regulatory law for FMLA claims, and statutory law for NLRA and FLSA claims. This doctrine comprises either a 3-factor (for FLSA) or 4-factor (for all other claims) analytical test to determine whether two or more business entities are sufficiently related to aggregate revenue (for FLSA and some NLRA/LMRA purposes) or employees (for all other claims) for purposes of establishing the minimum “employer” coverage requirements sufficient for a plaintiff to assert liability against her direct employer. While some courts have permitted plaintiffs to use the integrated employer doctrine in Title VII-type claims to establish “affiliate liability” (joint and several liability against all entities deemed integrated), the national trend has moved away from such application of the doctrine.

Pregnancy Discrimination Claims in Florida After *Carsillo v. City of Lake Worth*, Florida NELA Winter Conference, Daytona Beach, Florida, January 2009.

Presentation summary: Florida’s Fourth District Court of Appeals (“Fourth DCA”) has ruled that pregnant working women in Florida who are discriminated against by their employers may sue for relief under the Florida Civil Rights Act (“FCRA”). In *Carsillo v. City of Lake Worth*, the Fourth DCA, in a case of first impression under the 1992 FCRA, followed the First DCA’s 1991 *O’Loughlin v. Pinchback* decision (but not its reasoning) in holding that victims of pregnancy-related sex discrimination in Florida workplaces are not limited to seeking the lesser relief available in federal court but may instead seek a jury trial in state court for such claims.

Appellate Advocacy – Pregnancy Discrimination Mock Appeal, Florida NELA Fall Conference, St. Petersburg, Florida, September 2008.

Presentation summary: Florida NELA members Travis Hollifield of Winter Park and Dan Williams of Jacksonville argued opposite sides of the question regarding whether Florida law prohibits pregnancy discrimination as a form of sex discrimination before a mock judicial panel including veteran civil rights attorneys Rick Johnson of Tallahassee, Peter Helwig of Lakeland, and Kendra Presswood of Tampa.

Interplay Between FMLA & ADA, Florida NELA Winter Conference, Orlando, Florida, February 2008.

Presentation summary: This presentation compared and contrasted the protections and eligibility requirements for employees under the Americans with Disabilities Act (“ADA”) and the Family & Medical Leave Act (“FMLA”). In early 2008, the FMLA was amended by the National Defense Authorization Act (“NDAA”) which provides 26 weeks of FMLA leave during a single 12 month period for an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember to care for that servicemember’s “serious injury or illness” which is an injury or illness incurred in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of that member’s office, grade, rank, or rating.

Successor Liability Update, Florida NELA Fall Conference, Orlando, Florida, October 2007.

Presentation summary: Recent significant changes in the law of successor liability which concerns whether a successor corporation or entity can be liable for discrimination, harassment, or retaliation of a previous company which differs significantly from successor liability in other legal and factual contexts.

Representing Plaintiffs in Pregnancy Discrimination Claims, Florida NELA Spring Conference, Hutchinson Island (Stuart), Florida, April 2007.

Presentation summary: Strategies for representing pregnant employees in federal and state court under Title VII or the Florida Civil Rights Act. In-depth discussion of 1991 *O'Loughlin v. Pinchback* decision upholding viability of pregnancy-related sex discrimination claim under state law.

Successor Liability in Labor and Employment Cases, National Employment Lawyers Association Annual Conference, San Francisco, California, June 2006.

Presentation summary: Review of the law of successor liability which concerns whether a successor corporation or entity can be liable for discrimination, harassment, or retaliation of a previous company which differs significantly from successor liability in other legal and factual contexts.

Successor Liability in Labor and Employment Cases, Florida NELA Spring Conference, Cocoa Beach, Florida, April 2005.

Presentation summary: Review of the law of successor liability which concerns whether a successor corporation or entity can be liable for discrimination, harassment, or retaliation of a previous company which differs significantly from successor liability in other legal and factual contexts.