



Brian E. Spang

Member of the Firm

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BRIAN E. SPANG is a Member of the Firm in the Employment, Labor & Workforce Management practice, in the Chicago office of Epstein Becker Green. He has nearly 20 years of experience litigating on behalf of Fortune 50 companies, as well as representing, counseling, and advising Fortune 50 and mid- and small-sized employers on all aspects of employment law.

Mr. Spang:

- Prosecutes and defends non-compete and trade secret cases
- Counsels employers on drafting and implementing employment contracts, restrictive covenants, and other related policies
- Defends financial services and other clients in wage-and-hour class and collective actions
- Represents employers before state and federal courts, arbitrators, and administrative agencies in employment matters, including wrongful termination, sexual harassment, and discrimination actions

Mr. Spang's extensive courtroom experience litigating trade secret and restrictive covenant cases includes successfully first-chairing multiple preliminary injunction hearings, second-chairing a two-week jury trial and a multi-day preliminary injunction hearing, and litigating a multi-week arbitration. He also has obtained, and defended against, emergency temporary restraining orders in jurisdictions across the country.

In addition, Mr. Spang has defeated first-stage motions for conditional certification in FLSA collective actions and won motions to dismiss putative class actions. He also has obtained summary judgment in numerous single-plaintiff employment discrimination, harassment, retaliation, FLSA and FMLA cases, and successfully defended summary judgments on appeal.

Mr. Spang was recommended in *The Legal 500 United States*, in the areas of Workplace and Employment Counseling and Labor and Employment Disputes (Including Collective Actions): Defense (2018, 2019).

Before joining Epstein Becker Green, Mr. Spang was a labor and employment attorney at an international law firm and at a labor and employment law boutique firm.

Following law school, Mr. Spang clerked for U.S. Magistrate Judge Roger B. Cosbey (retired) in the Northern District of Indiana.

Education

- University of Illinois College of Law (J.D., magna cum laude, 1997)
 - Administrative Editor, *The Elder Law Journal*
- College of William and Mary (A.B., with honors, 1994)

Bar Admissions

- Illinois

Practice Areas

- Trade Secrets & Employee Mobility
- Wage and Hour
- Class Actions
- Employment Litigation
- Employment Training, Practices, and Procedures

Industries

- Financial Services
- Technology, Media & Telecommunications

Court Admissions

- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court, Central District of Illinois
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Michigan

- U.S. District Court, Northern District of Illinois (Trial Bar)
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Western District of Michigan

Representative Experience

Representative Class Actions

- Defense of a national bank in a putative class action alleging that the bank violated New York law by refusing to hire applicants based on their criminal history. After oral argument, the federal court (E.D.N.Y.) granted the bank's motion to dismiss, ruling that Section 19 of the Federal Deposit Insurance Act authorized the bank's actions.
- Defense of a national telecommunications company on appeal against class action claims alleging that the company forfeited all white-collar overtime exemptions by implementing several reduced workweeks with commensurate reductions in salary. An Illinois appellate court affirmed the bench trial judgment that dismissed all claims.
- Defense of a national staffing services company in a putative class action alleging that the company's vacation pay policy resulted in a forfeiture of earned vacation pay in violation of California law. The federal court (S.D. Cal.) granted the company's motion for summary judgment. The plaintiff appealed and subsequently agreed to very favorable settlement terms.

Representative Trade Secrets and Restrictive Covenants Cases

- Defense of a 3D printer and CAD software reseller and its new employee against a competitor's attempt to enforce a non-competition covenant. After a three-day preliminary injunction hearing focusing on the competitor's allegations that its business information was a trade secret, the federal court (N.D. Ill.) refused to enforce the non-competition covenant.
- Defense of a health care industry e-learning company and its new employee against trade secret claims alleging that the employee downloaded and used his former employer's client information. After a multi-day preliminary injunction hearing focused on forensic computer expert testimony, the federal court (N.D. Ill.) denied all relief, and the plaintiff voluntarily dismissed the case.
- Representation of a leading ethnic beauty products manufacturer in the prosecution of trade secret and breach of non-compete claims against a former research chemist. After a five-day preliminary injunction hearing focused on expert chemist testimony, the state court in Cook County, Illinois, enjoined the defendant from working for a competitor.

- Representation of a Fortune 100 financial services company alleging trade secret misappropriation, breach of a non-compete, and employee raiding claims against a competitor. After four weeks of hearing testimony, a FINRA arbitration panel found for the company and awarded \$20 million in combined damages and punitive damages.

Employment Matters

- Defense of a national staffing services company against Title VII race discrimination and FLSA retaliation claims. The federal court (S.D. Tex.) granted the company's motion for summary judgment. The plaintiff appealed, and the U.S. Court of Appeals for the Fifth Circuit affirmed summary judgment.
- Defense of a national insurance company against federal and state age discrimination claims asserted by a former in-house counsel. The federal court (D. N.J.) granted the company's motion for summary judgment. The plaintiff appealed, and the Third Circuit affirmed summary judgment.
- Defense of an international manufacturing company against an FMLA termination claim. After oral argument, the federal court (C.D. Ill.) granted the company's motion for summary judgment and awarded costs against the plaintiff.