



JUSTIN L. ENGEL

PARTNER

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Justin Engel is a litigator and employment lawyer who represents businesses through all stages of the litigation process and also provides pre-litigation counseling on a range of employment-related and business issues. He has tried cases to verdict before both juries and judges. He also has significant experience conducting internal investigations for clients in response to whistleblower complaints and government inquiries.

Justin's clients primarily include businesses in the pharmaceutical, health care, technology, management consulting, financial services, private equity and insurance industries. He regularly defends businesses in court and before administrative agencies against a wide variety of employment-related claims under federal and state statutes, including claims for discrimination, hostile work environment, retaliation, personnel misclassification, and wage and hour violations. He also has experience defending clients in complex commercial litigation, including cases involving claims of health care fraud, securities fraud, antitrust violations and other white-collar criminal and civil claims.

In addition, a significant portion of Justin's practice involves prosecuting and defending against claims for violation of restrictive covenants and trade secret misappropriation.

BACKGROUND

Prior to joining Armstrong Teasdale, Justin was a partner at Bello Welsh LLP, a boutique employment firm. Before that, he worked as a general litigator for more than 10 years with international law firms, where he defended businesses and executives in connection with complex commercial litigation and government investigations. Justin also has experience as an Assistant Attorney General and Deputy Section Head in the Litigation Bureau of the New York State Office of the Attorney General. He previously served as a law clerk in U.S. District Court for the District of Connecticut.

EDUCATION

- University of Pennsylvania Law School (J.D., *cum laude*, 2006)
- State University of New York at Albany (M.A., *summa cum laude*, 2003)
 - Criminal Justice
- State University of New York at Albany (B.A., *summa cum laude*, 2003)
 - Psychology

SERVICES AND INDUSTRIES

Litigation

Employment and Labor

Noncompete and Trade
Secrets

Internal Investigations and
Regulatory Compliance

White-Collar Criminal Defense
and Government

Investigations

Health Care and Life Sciences

Complex Commercial
Litigation

E-Discovery

Manufacturing and Innovation

ADMISSIONS

Massachusetts

New York

U.S. District Court, District of
Massachusetts

U.S. District Court, Northern
District of New York

PROFESSIONAL ACTIVITIES

- American Bar Association

EXPERIENCE

Successfully Opposed Preliminary Injunction Sought Against Former Executive of Health Care Technology Company

Prevailed following an evidentiary hearing on a motion for preliminary injunction brought by a health care technology company seeking to enforce a noncompete covenant against a former company executive.

Prevailed in First-Ever OFCCP Enforcement Action Alleging Gender-Based Pay Discrimination to Go to Trial

Won a decision after trial on behalf of a federal contractor in an enforcement action alleging gender-based pay discrimination brought by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) under Executive Order 11246. The case was the first-ever OFCCP enforcement action alleging gender-based pay discrimination to go to trial.

Won Summary Judgment for Medical Device Manufacturer Against Retaliation Claim

Won summary judgment for a medical device manufacturer in a lawsuit by a former employee alleging he was terminated in retaliation for complaining about conduct prohibited by the False Claims Act.

Dismissal of Suit Alleging Discrimination, Retaliation Under ADA

Won dismissal of a lawsuit alleging discrimination and retaliation under the Americans with Disabilities Act.

Internal Investigation for Manufacturer Following Sexual Harassment Complaints

Conducted an internal investigation for a high-tech manufacturing company in response to an employee's complaint of sexual harassment and inappropriate conduct against a manager.

Prevailed on Motion for TRO

Prevailed following an evidentiary hearing on a motion for temporary restraining order brought by a health care services company seeking to prohibit a former employee from working for his new company based on alleged violations of a noncompete covenant and trade secret misappropriation.

Internal Investigation for Federal Contractor in Alleged Kickback, False Claims Matter

Conducted an internal investigation for a federal contractor in response to an employee's complaint alleging other employees had accepted kickbacks and submitted false claims to the government.

Summary Judgment for Employer

Won summary judgment for an employer in a lawsuit alleging Title VII discrimination, hostile work environment and retaliation claims.

Dismissal of FMLA Suit Barred by Res Judicata and Collateral Estoppel

Won dismissal of a Family and Medical Leave Act (FMLA) suit on the grounds that the suit was barred by res judicata and collateral estoppel because the plaintiff had

previously pursued her FMLA claims in arbitration under her union's collective bargaining agreement.

Won Dismissal in Matters Involving the Foreign Sovereign Immunities Act

Won dismissal on subject matter jurisdiction grounds of enforcement actions against the New York State Comptroller's Office by plaintiffs who sought the turnover of alleged Cuban assets being held by the Comptroller in satisfaction of a Florida state court default judgment obtained against Cuba under the Foreign Sovereign Immunities Act.

Dismissal of Retaliation Suit by Former NY Department of Labor Director

Won dismissal of a retaliation lawsuit by the former Director of Equal Opportunity Development for the New York State Department of Labor who was terminated after protesting statewide changes to the means by which EEOC complaints were handled on the basis that the conduct she opposed did not qualify as "unlawful employment practices" under Title VII and therefore her activities were not statutorily protected.

Won Dismissal of Suit Seeking to Prevent NY State from Enforcing Legislation, Regulations Relating to Wage Bonds

Won dismissal of a lawsuit brought by two Asian-American nail salon trade groups seeking to prevent New York State from enforcing legislation and regulations requiring nail salon owners to purchase wage bonds as security for any unpaid wages owed to workers.

Representation in False Advertising and Unfair Competition Suit

Represented a clinical drug testing laboratory in connection with a false advertising and unfair competition lawsuit brought by a competitor involving alleged illegal business practices.

Conducted Investigation, Delivered 100+ Page Report in Criminal Health Care Fraud Case

Represented a Medicare Advantage plan in connection with a criminal health care fraud investigation by the U.S. Attorney's Office and Office of Inspector General, Department of Health and Human Services, and drafted a 100+ page internal investigation report that was delivered to the Board of Directors.

Represented Insurance Company in Suit Involving State-Assigned Risk Program

Represented an insurance company in connection with a lawsuit against a state-assigned risk program alleging violation of a contractual indemnification provision.

Represented PE Firm in Connection with Class Action Litigation

Represented a private equity firm in connection with shareholder class action litigation alleging a conspiracy to fix prices in club leveraged buyout deals in violation of the Sherman Act.

Represented Condo Builder in Lawsuit Seeking Rescission of Purchase and Investment Contracts

Represented a condominium builder in connection with class action litigation seeking rescission of purchase and investment contracts for hotel condominium units on the basis that the builder had failed to register the units as securities in violation of Section 12(a) of the Securities Act.

Represented Mortgage Lender in Class Action and SEC Suit Asserting Securities Law Violations

Represented a mortgage lender in connection with shareholder class action litigation

asserting securities law violations for alleged material misrepresentations in registration statements whereby the company allegedly portrayed itself as a conservative mortgage lender but had actually made high-risk loans that were comparable to subprime loans. Also represented the mortgage lender's CEO in connection with a lawsuit by the SEC asserting securities law violations for alleged material misrepresentations concerning the company's reserves, liquidity issues and loan characteristics.

Represented Insurance Company in Suit Involving Alleged Violation of Reinsurance Agreement

Represented an insurance company in connection with a lawsuit alleging violation of a reinsurance agreement.

THOUGHT LEADERSHIP

August 2006

Constitutional Limitations on the Expansion of Involuntary Civil Commitment for Violent and Dangerous Offenders

8 University of Pennsylvania Journal of Constitutional Law 841

April 25, 0119

OFCCP Case Changes the Game for Contractor Pay Audits

Law360