



MICHAEL B. KASS

PARTNER

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Michael Kass is a partner who represents clients on a wide range of employment, general corporate and litigation matters. A member of the firm's Employment and Labor practice area, he also co-chairs the firm's Noncompete/Trade Secrets practice area. Chosen by his peers to be included in *The Best Lawyers in America* since 2013 and as a "Lawyer of the Year" in 2019, Michael serves clients ranging from individuals and small, closely held businesses to Fortune 100 corporations. He formerly served as chair of the firm's Employment and Labor practice area.

Serving as outside general counsel to several companies, Michael oversees all aspects of legal issues for many of his corporate clients. He customizes business and legal strategies to meet each client's overall goals and objectives, paying particular attention to the effect decisions will have on overlapping legal and business issues.

Since the onset of the COVID-19 pandemic, Michael has extensively advised clients on the wide range of employment and business issues that have surfaced, including the various federal vaccine mandates, religious and disability accommodation issues, paid leave issues under the Families First Coronavirus Relief Act, the SBA's Payroll Protection Loan Program under the CARES Act, other wage-related and employment law issues, and issues pertaining to various business and commercial contract issues.

Michael defends employers and their managers involving the wide spectrum of employment litigation, including claims concerning employment agreements and noncompete agreements, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), medical leave issues under the Family and Medical Leave Act (FMLA), sexual harassment and various other forms of discrimination under Title VII, background check-related claims under the Fair Credit Reporting Act (FCRA) and Title VII, Sarbanes-Oxley and Dodd-Frank whistleblower protection, and sales commissions and compensation issues. He defends such claims in state and federal courts and before administrative agencies such as the Equal Employment Opportunity Commission (EEOC) the Missouri Commission on Human Rights (MCHR), the Occupational Safety & Health Administration (OSHA), the U.S. Department of Labor and the National Labor Relations Board (NLRB).

A considerable portion of Michael's practice is devoted to both counseling clients and litigating claims concerning non-compete and nonsolicitation agreements and the protection of trade secrets. He regularly provides strategic counseling and pursues or defends claims on behalf of employers attempting to enforce agreements and statutory rights against former employees, on behalf of employers hiring employees from a competitor and on behalf of individual employees. He also handles some types of

SERVICES AND INDUSTRIES

Employment and Labor
Noncompete and Trade
Secrets
Class Action Litigation
Litigation
Outside General Counsel
Emerging Companies
Corporate
Agribusiness and Food
Private Equity and Venture
Capital

ADMISSIONS

Missouri
Illinois
U.S. District Court, Eastern
District of Missouri
U.S. District Court, Southern
District of Illinois
U.S. District Court, Central
District of Illinois
U.S. Court of Appeals, Fifth
Circuit
U.S. Court of Appeals, Seventh
Circuit
U.S. Court of Appeals, Eighth
Circuit
U.S. District Court, Western
District of Missouri

business litigation, including shareholder disputes in closely held entities.

Well-versed in policies and best practices within the non-compete/trade secrets and employment law areas, Michael regularly writes, speaks and trains on these topics. He crafts specially tailored programs aimed at maximizing a company's ability to prevent unfair competition from former employees, as well as programs that focus on preventatively guarding against the threat of employment-related suits in general. In addition, he develops executive employment agreements, personnel policies, employee manuals and other employment-related documents and advises executives and professionals about the terms of their own employment contracts.

EDUCATION

- Ohio State University - Michael E. Moritz College of Law (J.D., 1999)
- Ohio State University (B.A., 1996)
 - Political Science
 - Minor in Yiddish

PROFESSIONAL ACTIVITIES

- The Missouri Bar
- Illinois State Bar Association
- Defense Research Institute

CHARITABLE AND CIVIC INVOLVEMENT

- Millstone Institute for Jewish Leadership, Jewish Federation of St. Louis (Advisory Committee Member, former Fellow)
- Torah Prep School (Vice President, Executive Board Member)
- Agudas Israel of St. Louis (Board Member, former Treasurer)

ACCOLADES

- *The Best Lawyers in America*[®]; Employment Law—Management, Labor Law—Management (2013-present); Lawyer of the Year (2019); Litigation—Labor and Employment (2021-2022)
- [*Missouri/Kansas Super Lawyers*](#)[®] (2016-present); *Missouri/Kansas Super Lawyers*[®], Rising Star (2011-2015)
- Co-author of a comprehensive article, "Non-Compete Agreements and Unfair Competition—An Updated Overview," in 2006 on Missouri non-compete law. The article has been cited as authoritative by the Missouri Supreme Court and Missouri Court of Appeals and received The Missouri Bar's award for the Outstanding Article Published in 2006.

EXPERIENCE

Obtained Consent Injunction for Health Care Organization in Trade Secret Case

Obtained consent injunction against former executives of a large health care organization and competitor in the U.S. District Court for the Southern District of Ohio, enforcing noncompetition and nonsolicitation provisions and requiring return and destruction of documents.

Counsel to Multiple Fortune 500 Companies on Noncompete, Trade Secret Matters

Provided regular national noncompete and trade secret counsel to multiple Fortune 500 corporations across industries. Provide risk assessment in the hiring of employees from competitors, enforcement of restrictions against departing employees, and implementation of policies and procedures related to noncompetes and protection of confidential information.

Enjoined Misappropriation of Trade Secrets for Specialty Food Manufacturer

Successfully enjoined misappropriation of trade secrets in the Circuit Court of Madison County, Illinois, for a major specialty food manufacturer, and obtained a consent judgment prohibiting the solicitation of major customers for a significant period, although the former high-level employees did not have employment agreements.

Obtained TRO for Major Grocery Chain in Noncompete Case

Obtained temporary restraining order (TRO) and consent permanent injunction against a former employee of a major grocery chain enforcing a noncompete agreement and requiring return and destruction of documents.

Successful Enforcement of Agreements Against Former Staffing Firm Employees

Successfully pursued and enforced multiple confidentiality and customer nonsolicitation agreements, along with computer tampering claims in courts in Missouri, Illinois and Iowa, against former employees of national Fortune 500 staffing firm.

Defense, Resolution of Class Action Lawsuits under Fair Credit Reporting Act

Successfully defended and resolved a number of class action lawsuits against major corporations brought under the Fair Credit Reporting Act (FCRA) for alleged violations of the provisions of the FCRA applicable to employment background checks.

\$50 Million Sale of Experiential Marketing Companies

Represented two clients, both experiential marketing companies, in a \$50 million sale to a major American talent agency.

Obtained TRO and Permanent Injunction Against Insurance Broker in Noncompete, Nonsolicitation Case

Obtained temporary restraining order (TRO) and consent permanent injunction in St. Louis County Circuit Court enforcing noncompete and nonsolicitation agreement against highly compensated insurance broker, and further requiring return and destruction of documents and files.

Defeated Manufacturer's Attempt to Obtain TRO Enforcing Noncompete

Defeated manufacturer's attempt to obtain a temporary restraining order (TRO) in U.S. District Court for the Eastern District of Missouri enforcing a noncompete agreement against a former plant manager. This resulted in a complete victory for the plant manager, allowing him to work for his new employer in the same industry.

Won TRO and Permanent Injunction Against Former Employee in Trade Secret Case

Won a temporary restraining order (TRO) and permanent injunction against the former employee of a publicly traded bank in a trade secret case.

Summary Judgment, Dismissal of 'Bet the Business' Class Action Claims

Achieved motion for summary judgment and a dismissal of plaintiffs' claims with prejudice in a "bet the business" class action brought by representatives of 200 former employees of a client in St. Louis County Circuit Court. The former employees sought sales commissions allegedly due and owing and millions of dollars in statutory penalties.

Won Noncompete, Unfair Competition Case for National Specialty Retail Chain

Received national press coverage by winning a noncompete and unfair competition case on behalf of a publicly traded, national specialty store chain against a publicly traded, national department store chain.

Won Settlement in Breach of Contract Arbitration for Former Senior Executive

Won a confidential settlement in a breach of contract arbitration claim filed by a former senior executive against his former employer, a major national retailer.

Obtained Injunction and Monetary Damages in Noncompete Case for National Staffing Company

Won a noncompete case on behalf of a publicly traded, national staffing company against a former top salesperson, obtaining an injunction and monetary damages.