

## Shawn Matthew Clark

Shareholder

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### Focus Areas

Business Restructuring and M&A  
Unfair Competition and Trade Secrets  
Litigation and Trials  
Discrimination and Harassment  
Executive Compensation  
Emerging Companies and Venture Capital  
Financial Services

### Overview

Clients of all sizes and stages rely on Shawn Matthew Clark for practical, business-focused advice to help them understand and navigate the constantly changing federal, state, and local laws governing the workplace. In particular, clients engage Shawn for his deep subject matter knowledge in business restructuring and unfair competition issues, and his skills as a litigator.

**Business Restructuring and M&A.** Shawn's relatable style and ability to analyze and explain complex issues in simple terms have made him a highly sought-after advisor to businesses planning workforce reductions and reorganizations. Shawn counsels clients on compliance with federal and state Worker Adjustment and Retraining Notification (WARN) Acts and the Older Workers Benefit Protection Act (OWBPA). He also partners with clients to create comprehensive reduction-in-force plans that include reasoned business justifications, defensible selection criteria, adverse impact analyses, multistate severance agreements, and a clear communications strategy for affected and nonaffected employees. No two businesses or layoffs are the same, but Shawn's pragmatic approach works for layoffs of a handful of employees and layoffs of thousands. He handles every reorganization with sensitivity to the individuals involved and the impact on each client's business.

**Unfair Competition and Trade Secrets.** Companies also turn to Shawn for help protecting their trade secrets and enforcing their noncompete, nonsolicitation, and nondisclosure agreements. Shawn drafts the agreements, and when necessary, litigates claims related to those agreements, including claims for breach of contract, misappropriation of confidential information, theft of trade secrets, unfair competition, tortious interference, and breach of the duty of loyalty. Shawn advocates for and defends his clients vigorously. On behalf of a global professional services company, Shawn obtained a temporary restraining order and a preliminary injunction against three former employees based on breaches of their nonsolicitation and confidentiality obligations. Shawn also defended a noncompetition claim against an employee of a cloud-based data security company resulting in the denial of the request for a preliminary injunction and withdrawal of the claims.

**Litigation and Trials.** Shawn has extensive experience litigating employment disputes of all types, including defending employers and managers against claims of discrimination, retaliation, and harassment. On behalf of his clients, Shawn has won dispositive motions, temporary restraining orders, preliminary injunctions, defense verdicts, and appeals. He draws on that litigation experience to counsel employers on effective strategies for preventing litigation when possible, and preparing for litigation when it is unavoidable.

Shawn is a core group member of Littler's Business Restructuring and M&A practice group and its Unfair Competition and Trade Secrets practice group.

Before entering private practice, Shawn gained significant litigation and trial experience as an assistant corporation counsel in the Labor and Employment Law Division of the New York City Law Department, where he represented the City of New York, its agencies, and its officers in employment litigation.

Before law school, Shawn worked in the United States Senate for members of the Senate Judiciary Committee and the Senate Committee on Health, Education, Labor, and Pensions (HELP), where he honed his communication and advocacy skills.

## Selected Matters

- *Kemp v. Regeneron Pharmaceuticals, Inc.*, 117 F.4th 63 (2d Cir. 2024): obtained summary judgment dismissing plaintiff's Family Medical Leave Act (FMLA) and state law discrimination and retaliation claims and successfully argued in support of the dismissal on appeal.
- *Visnjevac v. Intermix Holdco, LLC*, No. 1:23-cv-22459-KMM, 2023 U.S. Dist. LEXIS 230360, at \*6 (S.D. Fla. Dec. 28, 2023): obtained dismissal of putative WARN Act class action.
- *Mercer Health & Benefits LLC v. DiGregorio*, 307 F. Supp. 3d 326 (S.D.N.Y. 2018): obtained a temporary restraining order and a preliminary injunction preventing former employees from soliciting Mercer customers.
- *Moore v. Thomson Reuters (GRC) Inc.*, No. 17 CIV. 0211 (LGS), 2017 WL 4083582, at \*1 (S.D.N.Y. Sept. 14, 2017): obtained dismissal of breach of contract and fraud claims.

## Professional and Community Affiliations

- Member, Trade Secrets Committee, New York City Bar Association
- Member, Labor & Employment Law Committee, New York City Bar Association
- Program Co-Chair, Employment Law Institute, New York City Bar Association

## Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2023-2025
- Named, Rising Star, New York, *Super Lawyers*, 2022-2023
- Recipient, New York City Law Department Legal Rookie of the Year Award, *New York City Law Department*, September 2013
- Recipient, Judge Doris A. Thompson and Judge Edward Thompson Award for Excellence in Trial Advocacy, *Brooklyn Law School*, June 2012
- Recipient, CALI Excellence for the Future Award in Trial Advocacy, *Brooklyn Law School*, December 2010
- First Place Winner, New York Region, *American Bar Association Labor and Employment Trial Advocacy Competition*, November 2010

## Education

J.D., Brooklyn Law School, 2012, *cum laude*

B.A., The George Washington University, 2004

## Bar Admissions

New York

## Courts

U.S. Court of Appeals, 2nd Circuit

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

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

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

## Publications & Press

### Delaware Issues its WARN Act Regulations

*Littler Insight*

December 9, 2024

**Maryland WARN Act does not provide a private right of action to terminated workers**

*Wolters Kluwer*

October 18, 2024

**Maryland WARN Act does not Provide a Private Right of Action to Workers Terminated in Violation of the Law**

*Wolters Kluwer*

October 4, 2024

**Maryland WARN Act Does Not Provide a Private Right of Action to Terminated Workers**

*SHRM*

September 30, 2024

**Maryland WARN Act Does Not Provide a Private Right of Action to Workers Terminated in Violation of the Law**

*Littler ASAP*

September 24, 2024

**Are Non-compete Agreements Dead? A Discussion with Attorney Shawn Matthew Clark**

*New York County Lawyers Association*

August 22, 2024

**How HR should be thinking about noncompetes in light of potential state, federal bans**

*HR Brew*

January 17, 2024

**New York Governor Rejects Ban on Noncompete Agreements**

*SHRM Online*

January 9, 2024

**New York Curtails Release Agreements Involving Claims of Discrimination, Harassment, or Retaliation**

*SHRM Online*

November 28, 2023

**New York Enacts Greater Restrictions on Release Agreements Involving Claims of Discrimination, Harassment, or Retaliation**

*Littler ASAP*

November 22, 2023

**WARNING: Amendments to the New York WARN Act Regulations are Now in Effect**

*Littler ASAP*

June 26, 2023

**Non-Compete Ban on the Horizon in New York?**

*Littler ASAP*

June 20, 2023

**New York Seeks to Limit the Scope of Permissible Invention Assignment Agreements**

*Littler ASAP*

June 7, 2023

**Accommodating New York's Vaccine Mandate for Health Care Workers**

*New York Law Journal*

October 29, 2021

**New York City Mandates Retirement Savings Plans for All**

*SHRM Online*

August 26, 2021

**NYC Mandates Retirement for All**

*Littler ASAP*

August 17, 2021

**Littler Announces New Shareholders and Principals Elevating 26 Attorneys**

*Littler Press Release*

January 4, 2021

**Warning to New York Employers: The NY WARN Act Now Requires WARN Notices be Sent to Additional Governmental Recipients**

*Littler ASAP*

November 11, 2020

**Philadelphia Clarifies City's WARN Act to Account for COVID-19-Related Closures**

*Littler ASAP*

April 22, 2020

**WARN Act Risks Loom for Employers Re-Hiring or Un-Furloughing Employees to Receive Paycheck Protection Program Funding**

*Littler ASAP*

April 19, 2020

**New York and New Jersey Join Growing Ranks of States Penalizing Call Center Relocation**

*Littler Insight*

February 14, 2020

## Speaking Engagements

### **Complex Damages Issues in Trade Secret and Non-Compete Disputes**

New York City Bar Association, Trade Secret Symposium

December 10, 2024

### **2024 Tri-State Regional Employer Conference**

New York, NY

September 19, 2024

### **Navigating the Changing Landscape of Workplace Policies – Updates on Key Employment Handbooks, Policies, & Agreements**

New York City Bar Association, 2024 Employment Law Institute

March 1, 2024

### **2023 Tri-State Regional Employer Conference**

New York, NY

June 20, 2023

### **RIF Master Class**

Littler Executive Employer Conference, Phoenix, AZ

May 10, 2023

### **The Seven Deadly Sins of Incentive Compensation Plan Hell**

September 13, 2022

### **Homecare Consolidation: Employment Law Considerations That Can Kill Deals When Buying or Selling a Homecare Business**

April 5, 2022