

## Jeffrey S. Hiller

Shareholder

41 South High Street  
Suite 3250  
Columbus, OH 43215  
main: +1 (614) 463-4201  
direct: (614) 463-4230  
fax: +1 (614) 221-3301  
jhiller@littler.com



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## Practice Areas

Discrimination and Harassment  
Class Action  
Labor Management Relations  
Unfair Competition and Trade Secrets  
Litigation and Trials

## Overview

Jeffrey S. Hiller counsels employers on litigation avoidance and compliance, and represents employers in class action defense, discrimination litigation, unfair competition litigation, and labor relations. He handles claims under:

- Title VII
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Family and Medical Leave Act
- The National Labor Relations Act
- Ohio Revised Code Chapter 4112

He represents employers in state and federal courts, and before the National Labor Relations Board, the Equal Employment Opportunity Commission, and the Ohio Civil Rights Commission.

In litigation, Jeff has secured dismissals through dispositive motions and prevailed on appeal in numerous state and federal courts on a variety of discrimination and workplace tort claims for:

- Retailers
- Communications companies
- Logistics companies

- Financial sector employers
- Health care employers
- Retirement communities
- Service industry employers
- Government contractors

For example, for one manufacturing company, Jeff:

- Obtained summary judgment in a two-plaintiff age discrimination case
- Obtained summary judgment in a five-plaintiff race discrimination and retaliation case
- Defeated class certification in a race harassment case, which decision was affirmed on appeal
- Won the labor arbitrations involving the dismissal of three named class representatives, who had been terminated during the course of the class action litigation
- Obtained summary judgment against all but one plaintiff in an associational race discrimination case that started with 10 plaintiffs, then obtained a full defense verdict after a six-day jury trial against the one remaining plaintiff after he located a witness who revealed that the plaintiff herself had engaged in the same conduct she claimed to have opposed on behalf of her co-workers

For a major communications company, Jeff obtained the dismissal of religious discrimination claims on summary judgment, which award was upheld on appeal by the Ninth Circuit. He successfully defended a tobacco company in a FMLA/ADA/Title VII case, which decision was upheld on appeal by the Eleventh Circuit. He obtained a full defense verdict after a five-day jury trial defending a public employer, despite the city's mayor testifying for the plaintiff. While defending a large retailer, Jeff located evidence proving the plaintiff had stolen from the company, resulting in her attorneys' decision to dismiss her lawsuit. He obtained summary judgment in a race discrimination case against a service industry employer, which was recently upheld by the Sixth Circuit. He secured an arbitration victory for a healthcare company on FMLA retaliation and race, sex and age discrimination claims. In another case, he discovered evidence impeaching an age discrimination plaintiff's trial testimony, which led to the plaintiff dismissing the lawsuit in the middle of the trial.

Jeff has successfully handled lawsuits alleging harassment on the basis of sex, race, disability, and age, including:

- Obtaining summary judgment in a sexual harassment case in which the alleged harasser was in jail
- Obtaining summary judgment in two related cases involving allegations against a top official
- Obtaining summary judgment despite an adverse internal investigation finding
- Defending a top government office in two related sexual harassment cases

Jeff has successfully defended businesses from unfair competition, including securing favorable resolutions of actions against his clients' competitors and former employees for violations of restrictive covenant agreements, computer fraud and trade secret laws. Highlights include:

- A case in which he secured an order awarding attorneys' fees as a sanction for a former employee's perjury related to his restrictive covenant agreement violations

- A case in which he secured the former employee's written apology to his client along with other favorable terms of resolution

Jeff has authored articles on developments in the law governing restrictive covenants.

In the traditional labor area, he successfully argued for the reversal of union election results in a case in appellate court, overturning a NLRB decision that upheld a union victory and defeated a second union organization effort for the same employer at the same location. He also has successfully arbitrated contract interpretation, discipline and termination cases, including winning five consecutive termination arbitrations for one employer, and locating a witness who was able to produce evidence undermining a grievant's testimony during another arbitration hearing.

Jeff has handled cases before the NLRB, including allegations of refusals to bargain and unilateral implementation of policies. He is the program co-chair (Management) for the ABA Committee on Practice and Procedure Under the NLRA.

In law school, Jeff served on the editorial board and was a staff member of the *Ohio State Journal of Dispute Resolution*.

## Professional and Community Affiliations

- Member, American Bar Association
- Member, Georgia Bar Association
- Member, North Carolina Bar Association
- Member, Atlanta Bar Association
- Member, Columbus Bar Association

## Events & Speaking Engagements

### 2019 Hot Topics in Employment and Labor Law

Columbus, OH  
February 21, 2019

### Conducting Lawful Investigations: An Interactive Program for Internal Investigators

Columbus, OH  
September 12, 2013

### The NLRB and DOL Try to Breathe New Life Into Union Organizing and Regulation of Employee Conduct

Littler Mendelson, Scottsdale, AZ  
May 10, 2012

### Understanding The Workplace Impact of Social Media and Smartphones

Human Resources Association of Central Ohio (HRACO)  
April 27, 2011

## Privacy in the Workplace Roundtable

Capital University

May 13, 2010

## Recognition

- Named, The Best Lawyers in America® , 2020-2025

## Education

J.D., The Ohio State University Moritz College of Law, 1998

B.A., University of Michigan, 1994, *Class Honors*

## Bar Admissions

Ohio

Georgia

North Carolina

## Courts

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 11th Circuit

Ohio Supreme Court

Georgia Supreme Court

North Carolina Supreme Court

U.S. District Court, Northern District of Ohio

U.S. District Court, Southern District of Ohio

U.S. District Court, Northern District of Georgia

U.S. District Court, Northern District of Illinois

U.S. District Court, Middle District of Tennessee

## Publications & Press

### **Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Press Release*

August 19, 2021

### **Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Press Release*

August 20, 2020

**Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Press Release*

August 15, 2019

**Trade Secrets and Former Employees: Memorized Client Lists Can Still Be Protected as a Secret**

*Littler ASAP*

March 4, 2008