



## Thomas M. Metzger

Shareholder

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### Practice Areas

Unfair Competition and Trade Secrets  
Occupational Safety and Health  
Litigation and Trials  
Wage and Hour  
Financial Services  
Energy

### Overview

Tom Metzger is a nationally recognized employment law advisor, litigator, and trainer. With a career spanning over 25 years, he has developed expertise representing employers and executives in connection with covenants-not-to-compete, Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulatory and litigation matters, discrimination and retaliation claims, contract disputes, and related workplace matters.

Tom represents employers and executives throughout the United States in a wide variety of industries, ranging from Fortune 50 companies to start-up ventures. He also advises some of the nation's leading CEOs, financial advisors, and entrepreneurs in connection with litigation, contract negotiations, and other employment matters. He is recognized by his peers as one of the country's leading employment law advisors and litigators.

When matters cannot reach an early resolution, Tom has consistently and successfully tried cases to final verdict including over 25 trial victories before state and federal courts and administrative agencies throughout the country. Emphasizing an aggressive and efficient approach to litigation, he serves as lead counsel in complex and high-stakes matters, with particular emphasis on:

- Covenant-not-to-compete and trade secret litigation, including temporary restraining orders, preliminary injunctions, electronic data forensic investigations, and related emergency litigation throughout the United States

- OSHA and MSHA consultation and litigation, including extensive experience with injury and fatality investigations, safety auditing within a wide variety of highly complex and specialized industries, and consistent representation before OSHA, MSHA, and the Occupational Safety & Health Review Commission (OSHRC) throughout the nation
- Financial Industry Regulatory Authority (FINRA) consultation and litigation, including broad experience representing broker-dealers and financial advisor
- Employment discrimination and retaliation claims
- Contract disputes

In addition to his litigation practice, Tom has significant experience providing employers and executives with strategic advice, practical solutions, and compliance assistance in several specialized areas, including:

- Safety audits and investigations, safety programs and policies, and regulatory guidance under OSHA and MSHA
- Unfair competition, confidential information and trade secrets
- Retaliation and employment discrimination
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- Defamation
- Privacy rights

Tom is a frequent speaker, author, and trainer on employment law and litigation topics. He has contributed to numerous articles and news programs and has been interviewed by television networks ABC, CBS, and NBC; radio programs; and *Business Week*, the *Columbus Dispatch*, *Business First*, *Columbus CEO*, and the *Daily Reporter*, among others.

## Professional and Community Affiliations

- Member, Ohio Bar Association
- Member, Board of Governors, Labor and Employment Law Section, Ohio Bar Association
- Former Editor-In-Chief, Labor and Employment Law Newsletter, Ohio Bar Association
- Member, Labor and Employment Law Section, American Bar Association
- Member, Labor and Employment Law Section, Columbus Bar Association

## Events & Speaking Engagements

### **“I’ll Take Safety and Health for \$500!” Critical Safety and Health Questions Answered for the Post-Pandemic World – So YOUR Organization Does Not End Up in JEOPARDY!**

Littler Executive Employer Conference

May 5, 2022

### **2020 Hot Topics in Employment and Labor Law**

Columbus, OH

February 26, 2020

**What to Expect from OSHA in the Coming Year**

Littler Executive Employer, Phoenix, AZ

May 3, 2018

**2013 Ohio Regional Employer Conference**

Cleveland, OH

October 24, 2013

**Ethics Compliance – Effectively Dealing With Corporate Whistleblowers**

Columbus, OH

May 14, 2012

**OSHA Update: The 2012 Compliance and Enforcement Agenda**

Littler Mendelson, Scottsdale, AZ

May 10, 2012

**Conducting Lawful Investigations: The First 72 Hours**

Employment Law Update - Human Resources Association of Central Ohio, Columbus, OH

April 25, 2012

**OSHA Inspections: Strategies for Employers**

Breakfast Briefing, Columbus, OH

November 18, 2011

**Non-Competition Agreements, the Recruiting “Protocol,” and Key Updates for Broker/Dealers on Client Solicitation**

Fall Symposium - National Association of Independent Broker/Dealers, New York, NY

November 14, 2011

**Navigating the Changing Employment Law Landscape**

2011 Ohio Employer Conference - Littler Mendelson, Mayfield Heights, OH

October 27, 2011

**Key Employees: Poaching, Trade Secrets and Unfair Competition**

Association of Corporate Counsel

August 4, 2011

**Best Practices Checklist for Protecting Confidential Information & Preventing Unfair Competition**

2010 Ohio Employer Conference - Littler Mendelson, Mayfield Heights, OH

October 10, 2010

**Religious, Genetic, Caregiver, And National Origin Discrimination**

Battelle, Columbus, OH

September 7, 2010

**Disabilities in the Workplace, the ADA and the Amendments: Understanding the ADA, and a Review of an Employer's Primary Obligations**

Ohio Labor & Employment Law Institute, Cleveland, OH

July 21, 2010

**Disabilities in the Workplace, the ADA and the Amendments: Understanding the ADA, and a Review of an Employer's Primary Obligations**

Ohio Labor & Employment Law Institute, Columbus, OH

June 23, 2010

**Still Dealing with the Pain: Accommodating Leaves of Absence, the ADA and Other Legal Requirements**

Employment Law Update - Human Resources Association of Central Ohio, Columbus, OH

April 27, 2010

**The Future of Workplace Safety: Imminent Threats and Anticipated Regulation**

2010 Executive Employer Conference® - Littler Mendelson, Phoenix, AZ

April 2010

**Employing Change, Overcoming Crisis & Finding Opportunity: An Employer's Perspective**

2009 Ohio Employer Conference - Littler Mendelson, Mayfield Heights, OH

October 29, 2009

**Competitors and Employees: Protecting Unfair Competition, and Protecting Company Assets**

Ohio Labor & Employment Law Institute, Cincinnati, OH

June 17, 2009

**Competitors and Employees: Protecting Unfair Competition, and Protecting Company Assets**

Ohio Labor & Employment Law Institute, Cleveland, OH

June 11, 2009

**Competitors and Employees: Protecting Unfair Competition, and Protecting Company Assets**

Ohio Labor & Employment Law Institute, Columbus, OH

May 13, 2009

**The Americans with Disabilities Act - and the New ADAAA**

Breakfast Briefing, Columbus, OH

November 10, 2008

**Employer Mandated Wellness Programs**

Association of Corporate Counsel

July 25, 2008

**Confidentiality, Trade Secrets, and Intellectual Property: HR's Strategic Role**

Employment Law Update - Human Resources Association of Central Ohio, Columbus, OH

February 12, 2008

**Secrets and Lies: Avoiding the Sting of Unfair Competition**

2007 Ohio Employer Conference - Littler Mendelson

November 8, 2007

**Recent Developments and Challenges with Covenants Not to Compete and Non-Solicitation Agreements in Ohio**

Association of Corporate Counsel

October 5, 2007

**2007 Employment Law Update: Recent Trends and Developments**

Breakfast Briefing / Training Program

September 25, 2007

**Recordkeeping in a Digital Age**

Association of Corporate Counsel

July 20, 2007

**Blogging in the Workplace – How Your Employees' Off-duty and On-line Activities Can Lead to Employer Liability**

Association of Corporate Counsel

September 14, 2006

**OSHA Inspections**

Breakfast Briefing

May 2005

**(In)Feasibility of Compliance with OSHA Standards**

Safety Congress

April 2005

**What is "Work Time"?**

Lorman Education Services, Columbus, OH

August 19, 2004

## **FMLA/CFRA/ADA**

Breakfast Briefing

June 15, 2004

## **The Changing Workplace**

2004 Executive Employer Conference® - Littler Mendelson, Phoenix, AZ

May 25, 2004

## **Family and Medical Leave Act**

Breakfast Briefing, Columbus, OH

January 16, 2004

## **Protected Leave of Absence**

Office of the Ohio Attorney General

January 2004

## **Is This Restrictive Covenant Enforceable?**

41st Annual Midwest Labor and Employment Law Seminar

2004

## **Labor and Employment Law Update: What's Your Labor and Employment Law IQ?**

ACCEL Muirfield

2004

## **Recognition**

- Named, The Best Lawyers in America® , 2013-2025
- Named, Super Lawyer, Ohio, *Super Lawyers*, 2009-2018
- Named, Top Ohio Lawyer, Labor and Employment, *Business First*, 2009-2013
- Awarded, AV® Peer Review Rating *Martindale-Hubbell*
- Named, Top Attorney in Ohio *The Verdict*
- Named, 40 Under 40 *Columbus Business First*, 2003
- Named, Best Lawyers, Employee Benefits, Trade Secrets, *Columbus CEO*, 2022
- Graduate, Class of 1998 *Leadership Columbus*
- Order of the Barristers

## **Education**

J.D., University of Pittsburgh School of Law, 1992

B.A., Washington University in St. Louis, 1989, *magna cum laude*

## **Bar Admissions**

Ohio

## Courts

U.S. Supreme Court  
U.S. Court of Appeals, 5th Circuit  
U.S. Court of Appeals, 6th Circuit  
U.S. Court of Appeals, 11th Circuit  
U.S. District Court, Northern District of Florida  
U.S. District Court, Northern District of Indiana  
U.S. District Court, Southern District of Indiana  
U.S. District Court, Eastern District of Michigan  
U.S. District Court, Western District of Michigan  
U.S. District Court, Northern District of Ohio  
U.S. District Court, Southern District of Ohio  
Ohio Supreme Court

## Publications & Press

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

*Press Release*

August 19, 2021

### **Refresh! The CDC Revisits COVID-19 Restrictions for Fully Vaccinated Individuals**

*Littler ASAP*

July 28, 2021

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

*Press Release*

August 20, 2020

### **OSHA Issues FAQs Regarding Face Coverings, Surgical Masks, and Respirators in the Workplace**

*Littler ASAP*

June 11, 2020

### **OSHA Issues Updated COVID-19 Interim Enforcement Response Plan**

*Littler ASAP*

May 22, 2020

### **OSHA Issues Revised Guidance for Recording COVID-19 Cases**

*Littler ASAP*

May 20, 2020

**COVID-19 Whistleblower and Retaliation Claims on the Rise – What Steps Can Employers Take Now?**

*Littler ASAP*

April 17, 2020

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

*Press Release*

August 15, 2019

**OSH Act Penalties Increase**

*Littler ASAP*

February 1, 2019

**OSHA Issues Final Rule Rescinding Certain Recordkeeping Requirements and Clarifying Guidance on Drug Testing and Incentive Programs**

*Littler ASAP*

January 31, 2019

**Court Ruling Delivers an Employer Win on OSHA Inspection**

*In the News*

October 30, 2018

**OSHA Stresses Trenching and Excavation Safety**

*In the News*

October 25, 2018

**Federal Court Limits Scope of OSHA Inspection Authority**

*Littler ASAP*

October 22, 2018

**About Face: OSHA Clarifies that Safety-Incentive Programs and Post-Incident Drug/Alcohol Testing ARE Permissible**

*Littler ASAP*

October 19, 2018

**OSHA Announces Renewed Focus on Trenching and Excavation Work**

*Littler ASAP*

October 5, 2018

**Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers**

*Press Release*

August 15, 2018



**OSHA Proposes to Rescind Major Portions of its Electronic Reporting Rule**

*Littler ASAP*

August 2, 2018

**OSHA Update: Court of Appeals Upholds Employer's Criminal Liability and Maximum Fine in Employee's Death**

*Littler ASAP*

July 27, 2018

**Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers**

*Press Release*

August 17, 2017

**The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Press Release*

August 16, 2016

**Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition**

*Press Release*

August 18, 2015

**New Robot Designs Challenge Old OSHA Safety Rules**

*In the News*

July 23, 2015

**Littler Attorneys Included in the Best Lawyers in America© 2015 Edition**

*Press Release*

August 18, 2014

**Labor Department Suit Prompts Ohio Bell To Amend Disputed Injury Reporting Policies**

*In the News*

May 28, 2014

**Playing it Safe**

*In the News*

January 6, 2014

**Littler Attorneys Named in Best Lawyers in America® 2014 Edition**

*Press Release*

August 15, 2013

**The Ohio Supreme Court Reverses Its Position on the Enforceability of Noncompete Agreements after a Merger**

*Littler ASAP*

October 23, 2012

**Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition**

*Press Release*

September 7, 2012

**Ohio Supreme Court Restricts the Application of Ohio's Prevailing Wage Law**

*Littler ASAP*

July 29, 2009

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

*Littler ASAP*

March 4, 2008

**Competition from Former Employees: Important New Decisions Regarding Enforcement of, and Challenges to, Noncompete Agreements**

*Littler ASAP*

December 13, 2007

**Competition from Former Employees: Ohio Appellate Court Clarifies Application of the "Inevitable Disclosure" Doctrine**

*Littler ASAP*

February 21, 2007

**Tom Metzger Notes Impact of Election on Business**

*In the News*

November 9, 2006

**Tom Metzger Encourages Companies to Ensure Employees Take Breaks**

*In the News*

June 27, 2006

**OSHA Seeks to Step Up Enforcement of Criminal Penalties**

*Littler ASAP*

June 30, 2005