



David Gevertz

Shareholder

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David Gevertz is a shareholder in Baker Donelson's Labor & Employment Group and a member of the Firm's Board of Directors.

David Gevertz is a trial lawyer. He tries employment discrimination, wage and hour, non-compete, whistleblowing, and trade secrets cases to juries throughout the country. In addition, Mr. Gevertz guides companies through sensitive internal and government investigations, employee thefts, and mass layoffs. He also represents entities accused of violating public accommodation laws.

In recognition of his vast and varied employment law experience, Mr. Gevertz has been quoted in or contributed to more than 75 publications and treatises concerning a variety of topics, including litigating whistleblowing claims, conducting internal investigations, and wage and hour laws. He also routinely appears as a speaker before legal, industry, and human resources groups.

Representative Matters

- Lead counsel to an automobile distributor and owner in a case involving the Fair Labor Standards Act, where the plaintiff alleged thousands of hours of off-the-clock work. The case was brought to Baker Donelson after another firm was denied summary judgment and advised the client to settle. Baker Donelson moved to reopen the plaintiff's deposition, filed several successful motions in limine, and received a defense verdict during a four-day trial.
- Lead counsel to a municipality in a highly-publicized Department of Justice criminal investigation into corruption involving the review of more than ten million pages of documents, interviews of dozens of employees, and indictments of a half-dozen former employees and vendors.
- Lead counsel to a neonatal manufacturer in suit against two former employees accused of stealing trade secrets, violating restrictive covenants, and establishing a competing company. Won substantial damages, including punitive damages and attorneys' fees following a five-day trial.
- Lead counsel to an international chemical manufacturer in eight coordinated trade secret cases filed across the country. Secured a preliminary injunction in one case and a consent order, substantial damages, and relief in the others.
- Lead counsel in a multi-plaintiff race discrimination and retaliation claim where damages sought exceeded \$1 million. Obtained a complete defense verdict following a five-day jury trial.
- Accepted "courthouse steps" surrender of plaintiff in Sarbanes-Oxley and Dodd-Frank whistleblower case two days before trial, following favorable pretrial rulings and resulting 94% decrease in settlement demand.
- Secured a TRO and two preliminary injunctions on behalf of a safety services company against departing executive and his new employer for breach of Georgia Trade Secrets Act. Approaching trial, the Firm's client accepted a substantial settlement as well as permanent injunctive relief.
- Decertified a wage and hour collective action made up of 45 truck drivers resulting in a nominal settlement favoring a longstanding Firm client.
- Won summary judgment and six-figure sanctions award against a former in-house counsel who alleged whistleblowing and retaliation claims. Succeeded in preserving disputed attorney-client privileged communications and managing extensive media coverage of the case.

- Prosecuted trade secret theft case against a competing agricultural manufacturer, resulting in widespread injunctive relief that crippled the competitor's expansion plans and resulted in substantial seven-figure settlement.
- Defended three coordinated, multi-plaintiff sexual harassment cases brought by the EEOC against a well-known restaurant chain, resulting in nuisance settlements, no adverse publicity, and no new affirmative relief.
- Successfully defended multi-unit apartment complex in DOJ proceedings while countering developer for ADA and FHA violations, resulting in significant monetary recovery to our client.
- Won summary judgment motion on novel question of whether employees were paid on an effective piece rate basis. Subsequently succeeded in de-certifying class action lawsuit under the Fair Labor Standards Act.
- Successfully defended a publicly-traded software company against a whistleblowing complaint alleging violations of Securities and Exchange laws and wire fraud, culminating in a summary decision dismissing all claims with prejudice.
- Defeated case brought against a construction management company by a competitor after client lured 30+ engineers to leave, effectively shuttering competitor's Georgia facility. Case was abandoned after we won several initial motions before state and federal courts.
- Defeated preliminary injunction action sought against a lighting manufacturing company following the client's hire of a high-level R&D scientist from a competitor. The plaintiff sought a seven-figure damages award, which it ultimately abandoned as well.



Professional Honors & Activities

- Listed as a top Labor & Employment lawyer in Georgia by *Chambers USA: America's Leading Business Lawyers* since 2009
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell since 2009
- Selected as one of "Georgia's Super Lawyers" since 2009 and as one of the top 100 attorneys in Georgia by *Georgia Super Lawyers* (2014 – 2018)
- Listed in *Best Lawyers in America*® in Labor & Employment Litigation since 2014 and Employment Law - Management since 2015
- Selected seven times as one of "Georgia's Legal Elite," by *Georgia Trend* magazine
- Named "One of Top Ten Employment Lawyers Under 40" by *Employment Law360* (March 2010)
- Board of Directors – Callanwolde Fine Arts Center (2010 – 2016), Chair (2015 – 2016)
- Board of Directors – Covenant House of Georgia (2006 – 2013); Chair (2009 – 2011)
- Board of Directors – Atlanta Bar Association, Labor and Employment Section (2015 – 2017)
- Member – Leadership Atlanta Class of 2014
- Managing Director of Advocacy, Baker Donelson (2017 – 2019); Vice Chair, Labor & Employment Department (2010 – 2015)
- Co-chair – American Bar Association, Litigation Section, Employment and Labor Relations Committee (2018 – Present)
- Advisor – Employment Opportunities Task Force, Mayor Shirley Franklin's Regional Commission on Homelessness (2005 – 2009)
- Member – Alexis de Tocqueville Society of the United Way (2004 – 2007)
- Anti-Defamation League's Steinberg Leadership Institute (2003)



Publications

- "Colorado Adds Criminal Penalties to Unenforceable Non-Compete Agreements" (March 2022)
- "Did Time Run Out on Employee's Noncompete," *Litigation News*, American Bar Association (Fall 2020)
- "How Are the Laws Sparked by #MeToo Affecting Workplace Harassment" (February 2020)

- "Adjusting to Expanding Exemptions in the FLSA," *Litigation News*, American Bar Association (Winter 2020)
- "Trial-Focused Team Reduces Demand by 94 Percent in Settlement for National Department Store Chain," *Trial Spotlight Newsletter* (December 2019)
- "Short Window Seen for EEOC Policy Changes," *Business Insurance* (May 2019)



Speaking Engagements

- "Ethical Quandaries and Guidance for Internal and External Investigators," AWI 2020 Virtual Annual Conference (November 6, 2020)
- "Navigating Sarbanes-Oxley and Dodd-Frank Whistleblower Litigation" (February 2020)
- "#MeToo – New Era in Sexual Harassment, Media Frenzy, or Both?" (March 2018)
- "Wage and Hour Law for Outfitters" (December 2016)



Webinars

- Ethical Quandaries and Guidance for Internal and External Investigations, Association of Workplace Investigators (November 2020)
- New Year, New Laws and What to Look For in 2020 (January 2020)
- What Happens in Vegas...? Sanctioning Employees for Off-Duty Misconduct (September 2018)
- Website Compliance Under the ADA (August 2018)



Education

- Harvard Law School, J.D., 1995, cum laude
- Emory University, B.A., 1992, Phi Beta Kappa



Admissions

- Georgia
- United States District Court for the Northern, Middle and Southern Districts of Georgia
- United States District Court, District of Colorado
- United States District Court, Northern District of Florida
- United States District Court, Northern District of Illinois
- United States District Court, Northern District of Oklahoma
- United States Court of Appeals, Fourth, Fifth, Sixth and Eleventh Circuits