



Brian E. Spang

Partner

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OVERVIEW

Brian Spang is a partner in the firm's Labor, Employment, and Workplace Safety practice. He is a skilled writer and litigator focused on complex and high-exposure matters. Brian is particularly experienced in obtaining and defending against injunctions in trade secret and restrictive covenant cases, and defending wage and hour class and collective actions. He has represented some of the largest financial services and insurance companies in the world, as well as staffing and recruiting firms, digital technology and consulting companies, and manufacturers. Brian looks for the shortest path to the best result for each client and matter by applying a practical, common sense, and collaborative approach to litigation management. Outside the courtroom, Brian applies the same pragmatic approach to counseling employers on hiring employees from competitors, and drafting and implementing restrictive covenants and commission and incentive compensation plans.

PROFESSIONAL BACKGROUND

Brian joined K&L Gates in January 2022. For more than 20 years, Brian has litigated cases before federal and state courts and arbitration panels nationwide. Brian clerked for U.S. Magistrate Judge Roger B. Cosbey (retired).

ACHIEVEMENTS

- Recognized in *The Legal 500*, Workplace and Employment Counseling, and Labor and Employment Disputes (2018, 2019)

PROFESSIONAL / CIVIC ACTIVITIES

- Volunteers of America Illinois: Member and Secretary of the Board of Directors (2018-present)
- Downers Grove DOLLS Youth Fastpitch Softball: Volunteer Coach, Member and Chairman of the Board of Directors (2011-2021)

EDUCATION

- J.D., University of Illinois College of Law, 1997 (*magna cum laude*)
- A.B., College of William and Mary, 1994 (*with honors; James Monroe Scholar*)

ADMISSIONS

- Bar of Illinois
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Central District of Illinois
- United States District Court for the District of Colorado
- United States District Court for the Eastern District of Michigan
- United States District Court for the Northern District of Illinois, Trial Bar
- United States District Court for the Northern District of Indiana
- United States District Court for the Western District of Michigan

THOUGHT LEADERSHIP *POWERED BY HUB*

- 20 December 2023, A Last Minute, Temporary Reprieve for Chicago Employers: Chicago Amends Paid Sick Leave Ordinance
- 30 November 2023, Chicago Employers: Prepare For New Paid Leave Ordinance Effective 31 December 2023
- 15 March 2023, Illinois Guarantees One Week of Paid Leave for All Workers
- 6 January 2023, FTC Proposes Sweeping Ban on Employee Noncompete Clauses: What Employers Need to Know, Proposed Alternatives, and Opportunity for Public Comment
- 22 March 2022, Federal Agencies Signal Further Hostility Towards Noncompetition Agreements

NEWS & EVENTS

- 2 February 2022, K&L Gates Adds Labor and Employment Partner in Chicago

AREAS OF FOCUS

- Labor, Employment, and Workplace Safety

REPRESENTATIVE EXPERIENCE

- Lead counsel for multinational insurance broking company that hired a twenty-five-employee group from a competitor, defending claims for raiding, breaches of restrictive covenants, trade secret misappropriation, and unfair competition. Defeated motion for a TRO after briefing and oral argument, and then successfully moved to dismiss seven of the eight claims asserted.
- Lead counsel for health industry e-learning company defending claim that a new employee stole trade secrets by downloading information onto a USB device. Defeated a motion for a preliminary injunction after a multi-day evidentiary hearing focused on expert forensic computer testimony, which led to a favorable settlement.
- Lead counsel for 3D printing company defending claims for tortious interference with a restrictive covenant and inevitable disclosure of trade secrets. Defeated a motion for preliminary injunction after a multi-day evidentiary hearing, which led to a favorable settlement.
- Co-lead counsel for national facility maintenance and managed services company and its new employee defending claims for breach of restrictive covenants, tortious interference, trade secret misappropriation, and violations of the Computer Fraud and Abuse Act. Won summary judgment on all claims and recovered costs.
- Lead counsel for a multinational insurance company prosecuting lawsuit against former employee for breach of restrictive covenant. Obtained a TRO enjoining the former employee from soliciting clients and using confidential information, which led to a favorable settlement.
- Lead counsel for global food corporation prosecuting lawsuit against former employee for breach of confidentiality provision. Obtained a TRO enjoining the former employee from soliciting clients and using confidential information.
- Lead counsel for global talent acquisition and advisory firm prosecuting lawsuit against former employees who solicited clients in violation of restrictive covenants and their new employer. Defeated a motion to dismiss, negotiated a very favorable settlement, and recovered all costs.
- Lead counsel for national and international professional information and software solutions firm prosecuting lawsuit against a “bad leaver”—a former employee who lied about retiring when he actually joined a competitor in violation of his non-compete restriction. After taking discovery from the new employer, including deposing the new employer's CEO, the case settled on very favorable terms.
- Represented a Fortune 100 financial services company prosecuting arbitration against competitor and former employees alleging trade secret misappropriation, breach of restrictive covenants, and employee raiding.

After four weeks of hearing testimony, a FINRA arbitration panel awarded \$20 million in combined damages and punitive damages.

- Lead counsel for Fortune 50 national bank defending putative class action alleging that the bank violated New York State law by refusing to hire applicants based on their criminal history. Won Rule 12(b)(6) motion after oral argument, and before class certification, by demonstrating that Section 19 of the Federal Deposit Insurance Act authorized the bank's actions and preempted New York State law.
- Co-lead counsel for Fortune 50 national bank defending putative FLSA collective action. Defeated first-stage motion for FLSA conditional certification.
- Co-lead counsel for telecommunications company defending state wage law claim that overtime-exempt status had been forfeited for several thousand employees. Wrote appellate brief to successfully defend the company's trial victory.
- Lead counsel for Fortune 50 financial services company defending age discrimination claims asserted by former in-house counsel. Won summary judgment on all claims and affirmance on appeal.
- Co-lead counsel for Fortune 500 national staffing company defending Title VII race discrimination and FLSA retaliation claims. Won summary judgment on all claims and affirmance on appeal.
- Lead counsel for international manufacturing company against an FMLA termination claim. Won summary judgment after oral argument and obtained costs against the plaintiff.
- Lead counsel for Fortune 50 financial services company defending two separate cases alleging sexual harassment. Won summary judgment in both by successfully developing and proving the Faragher/Ellerth defense.