



Michael DeMarino

Of Counsel

Chicago

t: 312.467.9800

mdemarino@lanerlaw.com

Mike's practice focuses on defending employers against complex class and collective action litigation arising under federal and state wage and hour and anti-discrimination laws, as well as government-initiated investigations and litigation. He has experience defending clients with a national presence in a wide range of industries, including franchisors, hospitality and restaurant companies, logistics companies, the coal mining industry, municipalities, and staffing companies.

Mike has defended and represented companies and executive teams in cases ranging from single-plaintiff to bet-the-company cases, and class sizes ranging from hundreds to hundreds of thousands of claims by employees. His expertise covers the full scope of claims and theories arising under the Fair Labor Standards Act, Title VII, ADEA, and the ADA.

While Mike is known as an intense and savvy litigator, he helps clients implement business solutions and preventive measures to minimize future litigation risks.

Prior to joining the firm, Mike was a partner at an AM 100 law firm and served as a judicial law clerk to the Honorable William J. Bauer, United States Court of Appeals for the Seventh Circuit.

Clerkships

Honorable William J. Bauer,
The United States Court of
Appeals for the Seventh
Circuit

Education

- University of Illinois
Chicago School of Law,
J.D., 2009
- College of the Holy
Cross, B.A., (History),
2001

Admissions

Illinois



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HONORS, MEMBERSHIPS AND PUBLICATIONS

- Co-Author, “Federal Court In New Hampshire Grants Certification In Wage & Hour Litigation After Finding First Stage Standard Applies,” Class Action Defense Blog, Duane Morris LLP (April 25, 2023).
- Co-Author, “Defendants Lose Motion To Dismiss Antitrust No-Poach Claims,” Class Action Defense Blog, Duane Morris LLP (January 28, 2023).
- Co-Author, “Court Declines To Enjoin Employer’s Mandatory COVID-19 Vaccination Policy” Workplace Class Action Blog, Seyfarth Shaw LLP, (September 29, 2021)
- Co-Author, “Primer on The Line Between Proper and Improper Communications with Parties in a Class Action” Workplace Class Action Blog, Seyfarth Shaw LLP, (January 28, 2021)
- Co-Author, “Class Certification Denied in Bus Company Discrimination Suit” Workplace Class Action Blog, Seyfarth Shaw LLP, (November 10, 2020)
- Co-Author, “California Court of Appeal Denies Oracle’s Petition for a Writ Of Mandate or a Writ of Prohibition to Reverse Class Certification” Workplace Class Action Blog, Seyfarth Shaw LLP, (June 4, 2020)
- Co-Author, “Defendant Seeks Rehearing En Banc on Seventh Circuit’s Decision Rejecting Bristol-Myers Squibb in Rule 23 Class” Workplace Class Action Blog, Seyfarth Shaw LLP (April 17, 2020)
- Co-Author, “Class Certification Granted In Staffing Company Workplace Bias Suit” Workplace Class Action Blog, Seyfarth Shaw LLP, (April 3, 2020)
- Co-Author, “The Supreme Court of Ohio Rules That Defendants Need Not Plead An Arbitration Defense To Defeat Class Certification,” Workplace Class Action Blog, Seyfarth Shaw LLP (August 17, 2019)
- Co-Author, “High Times Continue – Illinois Enacts Recreational Cannabis Law,” Workplace Class Action Blog, Seyfarth Shaw LLP (June 28, 2019)
- Co-Author, “Half Baked — Illinois Legislature Includes Some Employer Protections in New Recreational Cannabis Law, But Creates Potential Liabilities,” Workplace Class Action Blog, Seyfarth Shaw LLP (June 13, 2019)
- Co-Author, “Ninth Circuit Rules That Varying State Laws Do Not Defeat Predominance Requirement In Class Action Settlement Context,” Workplace Class Action Blog, Seyfarth Shaw LLP (June 11, 2019)
- Co-Author, “U.S. Supreme Court Rules That Third-Party Counterclaim Defendants Are Not Entitled To Removal Under The CAFA,” Workplace Class Action Blog, Seyfarth Shaw LLP (May 30, 2019)



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- Co-Author, "Illinois Marijuana Legislation Update: Senate Bill Would Protect Employers' Rights," Workplace Class Action Blog, Seyfarth Shaw LLP (May 21, 2019)
- Co-Author, "The U.S. Supreme Court Rules That The Deadline To Appeal A Class Certification Order Is Not Subject To Equitable Tolling," Workplace Class Action Blog, Seyfarth Shaw LLP (February 26, 2019)
- Co-Author, "The 2018 Judicial Hellholes Report On The Worst Jurisdictions For Defendants," Workplace Class Action Blog, Seyfarth Shaw LLP (December 5, 2018)
- Co-Author, "Illinois Appellate Court Rules That Class Settlement Objectors Engaged In Fraud On the Court," Workplace Class Action Blog, Seyfarth Shaw LLP (November 21, 2018)
- Co-Author, "Federal Court Rules That An EEOC Lawsuit Is Not Barred By Bankruptcy Code's Automatic Stay," Workplace Class Action Blog, Seyfarth Shaw LLP (October 15, 2018)
- Co-Author, "Fourth Circuit Sides With EEOC: Back Pay Damages Are Mandatory Under The ADEA," Workplace Class Action Blog, Seyfarth Shaw LLP (September 27, 2018)
- Co-Author, "Seventh Circuit Allows Objector To Recover Fees From Class Counsel's Fee Award," Workplace Class Action Blog, Seyfarth Shaw LLP (August 7, 2018)
- Co-Author, "Court Rejects Individual Pattern and Practice Claim and Enforces Arbitration Agreement in Discrimination Case," Workplace Class Action Blog, Seyfarth Shaw LLP (July 25, 2018)
- Co-Author, "Tenth Circuit Reaffirms That Title VII Does Not Require Employers to Offer an Employee Their 'Preferred' Religious Accommodation," Workplace Class Action Blog, Seyfarth Shaw LLP (July 10, 2018)
- Co-Author, "New Class Action Litigation Risks," Workplace Class Action Blog, Seyfarth Shaw LLP (April 23, 2018)
- Co-Author, "District Court Awards Punitive Damages In Sex-Based Harassment EEOC Suit," Workplace Class Action Blog, Seyfarth Shaw LLP (November 21, 2017)
- Co-Author, "U.S. Supreme Court's Narrow Application Of Specific Jurisdiction Will Impede Forum Shopping In Class Actions," Workplace Class Action Blog, Seyfarth Shaw LLP (June 29, 2017)
- Co-Author, "U.S. Supreme Court Rules That Plaintiffs' Voluntary Dismissal Does Not Transform A Decision Denying Class Certification Into An Appealable Final Decision," Workplace Class Action Blog, Seyfarth Shaw LLP (June 12, 2017)
- Co-Author, "Eighth Circuit Decides That Arbitration Agreements Cover ADEA Collective Actions," Workplace Class Action Blog, Seyfarth Shaw LLP (April 24, 2017)
- Co-Author, "U.S. District Court in Florida Decertifies a Class of Haitian Blueberry Pickers Because Class Members Sought Individualized Damages," Workplace Class Action Blog, Seyfarth Shaw LLP (December



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9, 2016)

- Co-Author, “Court Rejects EEOC’s EPA Lawsuit Theory,” Workplace Class Action Blog, Seyfarth Shaw LLP (October 23, 2016)
- Co-Author, “Fifth Circuit Green Lights Discovery Over Immigration Status In EEOC Litigation,” Workplace Class Action Blog, Seyfarth Shaw LLP (October 3, 2016)
- Co-Author, “Eleventh Circuit Declines EEOC’s Invitation To Expand Race To Include Personal Expression Or Cultural Characteristics,” Workplace Class Action Blog, Seyfarth Shaw LLP (September 20, 2016)
- “SEC Proposes to Add Flexibility to E-Proxy Rules to Increase Voter Response,” Corporate Client Advisory (October 19, 2009)
- “Rule 2019: The Debtor’s New Weapon,” The John Marshall Law Review, Vol. 42, No. 1 (Fall 2008)
- Interviewed and quoted, “IL Appellate Decision v. Attorney in Class Action ‘Pro Objectors’ Case ‘So Damaging,’ Attorney Says”, Cook County Record (December 5, 2019) (regarding professional objectors in class action cases)
- Interviewed and quoted, “Florida U.S. District Court Decertifies Class of Haitian Seasonal Farm Workers”, Legalnewsline.com (December 29, 2016) (regarding individualized issues surrounding emotional distress damages in class certification context)

Experience

REPRESENTATIVE EMPLOYMENT MATTERS

- ✓ *Achoual, et al. v. Colonel’s Limited, LLC (Papa John’s International, Inc.)*, No. 17-CV-662 (U.S. District Court/Eastern District of Virginia) (ongoing defense of class action brought by restaurant workers alleging wage & hour violations).
- ✓ *Brooks/Anderson, et al. v. C.H. Robinson, et al.*, No. 16-CV-00939 (W.D. Missouri) (ongoing defense of collective action brought by “Account Coordinators” and “Freight Brokers” for alleged misclassification).
- ✓ *Brown, et al. v. Landry’s, Inc.*, No. GD-15-10078 (Court of Common Pleas, Allegheny County, Pennsylvania) (favorable settlement obtained after denial of class action claims under Pennsylvania Wage Payment and Collection Law in action alleging wage & hour violations involving restaurant workers).



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- ✓ *Brunner, et al. v. Jimmy John's, et al.*, No. 14-CV-5509 (U.S. District Court/Northern District of Illinois) (ongoing representation in wage & hour class action by assistant managers alleging unpaid vacation pay, violations of the Illinois Minimum Wage Act, and miscellaneous wage & hour violations).
- ✓ *Carlson, et al. v. CH Robinson, Inc.*, No. 02-CV-3780 (U.S. District Court/District of Minnesota) (favorable settlement obtained in class action gender discrimination case alleging company-wide claims for pay, promotional opportunities, and terms and conditions of employment).
- ✓ *Dietrich, et al. v. C.H. Robinson Worldwide, Inc.*, No. 18-CV-4871 (U.S. District Court/Northern District of Illinois) (ongoing defense of wage & hour class action brought by workers alleging FLSA violations, as well as Title I and Title VII violations).
- ✓ *Durling, et al. v. Papa John's International, Inc.*, No. 16-CV-3592 (U.S. District Court/Southern District of New York) (ongoing defense of class and FLSA collective action brought by restaurant workers alleging wage & hour violations).
- ✓ *Edwards, et al. v. Papa John's International, Inc., et al.*, No. 17-CV-283 (U.S. District Court/District of Idaho) (ongoing defense of class action brought by restaurant workers alleging wage & hour violations).
- ✓ *EEOC v. Seasons 52, et al.*, No. 15-CV-20561 (U.S. District Court/Southern District of Florida) (ongoing representation of EEOC pattern or practice case alleging company-wide hiring discrimination under the ADEA).
- ✓ *Flood, et al. v. Carlson Restaurants, Inc., et al.*, No. 14-CV-2740 (U.S. District Court/Southern District of New York) (successfully defended and obtained settlement in FLSA collective action alleging wage & hour violations involving restaurant workers).
- ✓ *Gaffers, et al. v. Kelly Services, Inc.*, No. 16-CV-10128 (U.S. District Court/Eastern District of Michigan) (successfully defended and obtained settlement of FLSA collective action, class action, and individual arbitrations brought by temporary employees alleging wage & hour violations).
- ✓ *Gilbert, et al. v. Kelly Services, Inc.*, No. 17-CV-11800 (Superior Court of Maricopa County, Arizona) (successfully defended and obtained settlement of class action brought by temporary employees alleging wage & hour violations).



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- ✓ *Grubb, et al. v. ERJ Dining, LLC*, No. 17-CV-316 (U.S. District Court/Western District Kentucky, Louisville Jury Division) (ongoing defense of class action brought by restaurant workers alleging wage & hour violations).
 - ✓ *Holmes, et al. v. Kelly Services, Inc., et al.*, No. 16-CV-13164 (U.S. District Court/Eastern District of Michigan) (ongoing defense of class action brought by temporary employees alleging wage & hour violations).
 - ✓ *Hubbard, et al. v. Papa John's International Inc.*, No.: 19-CV-22 (W.D. Ky.) (successfully obtained stay pending resolution of overlapping FLSA collective action in class action brought by employees alleging wage & hour violations).
 - ✓ *In Re Papa John's Employee and Franchisee Employee Antitrust Litigation*, Case No.: 18-CV-825 (W.D. Ky.) (ongoing defense of class action involving alleged antitrust claims for wage suppression).
 - ✓ *Landry's, Inc. and McCormick & Schmick's v. National Labor Relations Board* - Nos.: 4:16-CV-1548 (S.D. Tex.) / 16-20714 (5th Cir.) (obtained successful dismissal of NLRB claims for unfair labor practices).
 - ✓ *Lentini v. Kelly Services, Inc. and Cutco Stores, Inc.*, No.: 17-CV-13261 (E.D. Mich.) (obtained favorable settlement in class action involving alleged wage & hour violations and wrongful termination).
 - ✓ *Gloria Pantoja v. Medix Staffing Solutions, Inc., et al.*, No.: 17 CECG 00280 (Ca. Super. Ct.) (obtained favorable settlement in case involving alleged pregnancy discrimination).
 - ✓ *Stone, et al. v. Round Rock Restaurant Group, LLC, et al.*, No. 18-CV-1319 (U.S. District Court/Arizona) (ongoing defense of class action brought by restaurant workers alleging wage & hour violations).
 - ✓ *Thomas, et al. v. Papa John's International, Inc.*, No. 17-CV-411 (U.S. District Court/Southern District of Ohio) (ongoing defense of class action brought by restaurant workers alleging wage & hour violations).
 - ✓ *Watson, et al. v. Jimmy John's, LLC, et al.*, No. 15-CV-768 (U.S. District Court/Southern District of Ohio) (ongoing representation in FLSA class action by current and former employees alleging unpaid overtime wages, and violations of the FLSA).
 - ✓ *Worthington v. Jimmy John's, LLC, et al.*, No.: 16-CV-8573 (N.D. Ill.) (obtained favorable settlement in case involving discrimination claims).
- Representative Commercial Matters and Class Actions



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REPRESENTATIVE COMMERCIAL MATTERS AND CLASS ACTIONS

- ✓ *Alliance Wholesale Distributor v. Jaffe Drug Store, Inc.* No. 08-L-0015 (Kankakee Cty. IL.) (defense of breach of contract dispute involving pharmaceutical wholesaler).
- ✓ *Ampro Computers, Inc. v. LXI, LLC, et al.*, No. 13-CV-01937 (De. Dist. Ct.) (obtained favorable settlement in defense of alleged breach of manufacturing agreement).
- ✓ *Brenson, et al. v. Settlement Funding LLC d/b/a Peachtree*, No. 11-CH-09238 (Cook Cty. IL.) (defense of consumer fraud class action).
- ✓ *Cannonball Fund, Ltd. v. Dutchess Capital Mgmt., LLC*, No. SUCV201102307BLS1, (Mass. Super. Ct.) (obtained favorable settlement in prosecution of shareholder direct and derivative claims for breach of fiduciary duties and professional negligence).
- ✓ *Cox, et al. v. Sherman Capital, LLC, et al.*, No. 12-CV-1654 (S.D. In.) (successful defense and grant of summary judgment in nationwide RICO class action with award of defense fees).
- ✓ *Nationwide Agribusiness Insurance Co., v. Meller Poultry Equipment, Inc.* No. 12-CV-1227 (E.D. Wi.) (defense of design defect claim).
- ✓ *Precious Smith v. AmeriGas Propane, Inc.* No. 2010114343 (Cir. Ct. Cook County IL.) (obtained favorable settlement in defense of wrongful death claim).
- ✓ *Timelines, Inc. v. Facebook, Inc.*, No. 11-CV-6867 (N.D. Ill.) (obtained favorable settlement in prosecution of trademark infringement claim).
- ✓ *U.S. Bank National Association v. Juan Carlos Campos*, No. 10-CH-03258 (Cir. Ct Cook Cty IL.) (obtained favorable settlement in consumer fraud claims and claims brought under Home Affordable Modification Program).