



David K. Montgomery

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Education

Vanderbilt University Law
School
J.D., 1984

Miami University, Oxford Ohio
B.A., 1980

Admitted to Practice

- U.S. Supreme Court, 1997
- 3rd Circuit Court of Appeals, 2005
- 4th Circuit Court of Appeals, 2018
- 6th Circuit Court of Appeals, 1989
- 9th Circuit Court of Appeals, 1985
- 11th Circuit Court of Appeals, 1985
- California - C.D. Cal., 1986
- Georgia - N.D. Ga., 1985
- Ohio - S.D. Ohio, 1989
- California, 1986
- Georgia, 1984
- Ohio, 1988

David Montgomery is a Principal in the Cincinnati, Ohio, and San Francisco, California offices of Jackson Lewis P.C. He represents employers throughout the country on the full range of labor and employment related issues.

Mr. Montgomery serves as primary employment counsel for numerous national employers and has extensive experience representing clients across industries including in financial services, insurance, life sciences, healthcare, food/beverage manufacturing, transportation, telecommunication and technology, and non-profit.

Mr. Montgomery regularly advises and defends employers in connection with employment discrimination charges and lawsuits, whistleblower/public policy claims, FMLA and workplace harassment claims, and wage and hour class actions. He also has prosecuted and defended trade secret and unfair competition lawsuits.

Mr. Montgomery has represented clients in National Labor Relations Board proceedings, union organizing drives and elections, arbitrations, contract negotiations, strikes and corporate campaigns. He has experience with cases and negotiations involving various unions, including the Teamsters, IATSE, UAW, UMW, IBEW, SEIU, Carpenters, UFCW, ALPA, and UNITE/HERE.

In addition, Mr. Montgomery provides day-to-day labor and employment advice and management training with respect to the full suite of issues affecting the employee-employer relationship.

Representative Litigation Experience

- *Young v. Omnicare* – jury verdict for employer in collective action FLSA case, federal court, West Virginia.
- *Gagne v. The Cincinnati Hotel* – jury verdict for employer in age discrimination case, federal court, Ohio.
- *Abebe v. Thermo Fisher* – summary judgment for employer in age, race, gender and national origin discrimination case, federal court, Indian.
- *Hardesty v. Kroger* – summary judgment for employer in age, sex discrimination case, federal court Ohio.
- *Phillips v. Tradesman Int.* - jury verdict for employer in age discrimination case, federal court, Ohio.
- *Jones v. S.C. Johnson* - jury verdict for employer in race discrimination case, federal court, Ohio.
- *Firor v. The Cincinnati Enquirer* - jury verdict for employer in sexual harassment case, federal court, Ohio.
- *Norma Smith v. Fifth Third Bank* - jury verdict for employer in age discrimination

case, federal court, Ohio.

- *Schultz v. W. T. Nickell Co.* – jury verdict for employer in wrongful discharge case, federal court, Ohio.
- *Tooson v. Lyons Magnus* - defense verdict for employer in race/sex discrimination case, federal court, Kentucky.
- *Kromer v. Fifth Third Securities* - defense verdict for employer in wrongful discharge arbitration before FINRA.
- *Williams v Anheuser-Busch* - arbitration award for employer in connection with termination case.
- *Laursen v. American Red Cross Western Lake Erie Region* - arbitration award for the employer in connection with claims for termination without cause.
- *Weaver v. Ovations Food Service* (division of Comcast) - arbitration award for employer in connection with claims for termination without cause and violation of the NLRA.
- *Susi v. Facility Source* – arbitration award for employer in connection with multi-million dollar commission claim by former sales executive.
- *Muhammed v. Parsec Inc.* - arbitration award for the employer in connection with claims by a California employee of termination without cause.
- *UFCW v American Red Cross Western Lake Erie Region* - arbitration award for the employer in connection with a contract interpretation issue related to paid leave.
- *UFCW v American Red Cross Central Ohio Blood Services Region* - arbitration award for the employer in connection with a contract interpretation issue related to compensation.
- *Knox v Fifth Third Bank* - Summary judgment for employer in age discrimination and retaliation case, federal court in Pennsylvania.
- *Johnson v. The Cincinnati Hotel* - defense verdict for employer in race discrimination case before the Ohio Civil Rights Commission.
- *Harding v. Careerbuilder.com* - summary judgment for employer in age discrimination case, federal court, Pennsylvania.
- *Gibbs v. Specialty Meat Group* - summary judgment for employer in age discrimination case, federal court, Iowa.
- *Hicks v. Rumpke Inc.* - summary judgment for employer in race discrimination case, federal court, Ohio.
- *Twombly v. Kendle Int.* – summary judgment for employer in wrongful discharge/ discrimination case, federal court, Ohio.
- *Simpkins v. Specialty Envelope* - summary judgment for employer in ADA case, federal court, Ohio.
- *Sky v. Belcan Inc* - summary judgment for employer in sexual harassment case, federal court, Texas.
- *Gomez v. LSI Industries* - summary judgment for employer in national origin discrimination case, federal court, Texas.
- *Hutchinson v. Miami Systems* - defense verdict for employer in wrongful discharge arbitration before the American Arbitration Association (AAA), Georgia.
- *Pornoy v. Group Health Associates* - defense verdict for employer in wrongful termination case, AAA, Ohio.
- *Zee Medical v. Cintas Corp.* - defense verdict for employer in trade secret/intentional interference case, AAA, California.
- *Mosler v. Diebold* - obtained preliminary and permanent injunction for employer in trade secret case, state court, Washington.
- *Yerkes v. Great American Ins. Co.* - defense verdict for employer in ERISA case, federal court, Ohio.

Representative Class/Collective Action Experience

- *Rico V. Cardinal Health* - meal/ break period class action, federal court,

California.

- *Avilez v Omnicare Inc.* – meal/ break period class action, federal court, California.
- *Holt v. Parsec Inc.* - California misclassification, meal/ break period and WARN class action, state court, California.
- *Westfall v. Kendle International* – FLSA and state law misclassification class and collective action, state and federal court, W. Va.
- *Chin v. Republic Indemnity* – insurance adjuster misclassification class action, state court, California.
- *Marks v. Infinity Ins. Co.* – insurance adjuster misclassification class action, state court, California.
- *Wickline, et al. v. Fifth Third Bank of Central Kentucky* – FLSA overtime class and collective action, federal court, Kentucky.
- *Faola v. Champion Exposition Services, LLC* – California wage payment class action, state and federal court, California.

Honors and Recognitions

- *Cincinnati Magazine* "Top 100 Lawyers in Ohio" (2008)



Professional Associations and Activities

- Cincinnati Bar Association

Pro Bono and Community Involvement

- Hatmaker Foundation, a non-profit established to support school's academic programs, Founder/Director
- Oylar School, a Cincinnati Public School in Lower Price Hill, Member of Local School Decision Making Committee
- Wyoming Youth, Vice President