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## Brooks R. Amiot

Office Managing Principal  
Baltimore  
P 410-415-2005  
F 410-415-2001  
Brooks.Amiot@jacksonlewis.com

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### Practices

Class Actions and Complex Litigation  
Corporate Governance and Internal Investigations  
General Employment Litigation

### Services

Reductions-in-Force/WARN Act

### Industries

Retail

### Education

The George Washington University Law School  
J.D., 1993  
Moot Court Board

University of Utah  
B.A., 1988  
*cum laude*

### Admitted to Practice

- U.S. Supreme Court, 2007
- 4th Circuit Court of Appeals, 1997
- 6th Circuit Court of Appeals, 1995
- 11th Circuit Court of Appeals, 1997
- DC - D.D.C., 1996
- Maryland - D. Md., 1994
- District of Columbia,

Brooks R. Amiot is the office managing principal of the Baltimore, Maryland, office of Jackson Lewis P.C. He represents employers in all aspects of labor and employment law.

Brooks has been recognized as one of “America’s Leading Labor and Employment Lawyers” in *Chambers USA: America’s Leading Lawyers for Business*, which has described him as a “top notch attorney” and noted “his expertise as a trial lawyer” and “his ability to manage particularly complex litigation.” *Chambers* most recently noted that Brooks is “a very smart and very practical lawyer” who has “a wonderful style with clients.”

Prior to joining Jackson Lewis in 2010, Brooks was a labor and employment partner at a global law firm.

Brooks regularly defends clients in employment-related litigation, including wage and hour disputes, employment discrimination and sexual harassment suits, whistleblower claims, ADA and FMLA litigation, wrongful discharge suits, and administrative charges across the country. Brooks has extensive experience in every phase of litigation, from discovery to trial to appeal. He is well known for his success rate in the early stages of lawsuits and other employment disputes through dispositive motions and favorable settlements, rendering his clients devoid of liability and saving them significant fees and costs.

Brooks has conducted internal investigations on behalf of senior management and boards of directors in matters involving allegations of fraud, kickbacks, misappropriation of funds, and other related whistleblower complaints, as well as claims of sexual harassment and other employee misconduct. He also advises clients on plant closings, mass layoffs, and other reductions in force; compliance issues; restrictive covenants; executive compensation and employment agreements; litigation avoidance; and limiting liability in all aspects of employment decisions, from hiring to termination.

Brooks regularly provides advice to corporate clients regarding the employment implications of proposed mergers and acquisitions. That advice often results from Brooks’ ability to lead and coordinate teams of lawyers who conduct the necessary and extensive corporate due diligence reviews in connection with proposed deals.

Brooks has advised management regarding union avoidance issues, collective bargaining, and matters before the National Labor Relations Board. He has represented companies in numerous labor arbitrations across the country.

Brooks has been a frequent speaker at client seminars and conducted in-house training on a regular basis.

## Representative Matters

- Serves as outside labor and employment counsel to a global poultry company with extensive operations across the country.
- Obtained judgment on behalf of a large steel company following a two-day trial involving a \$900K dispute between the company and its former president.
- Obtained dismissal of a purported class action of “exotic dancers” alleging wage and hour violations.
- Obtained dismissal of a same-sex harassment case against Perdue Farms resulting in the first written decision on the topic in the United States District Court of Delaware.
- Obtained dismissal of a RICO immigration class action against Perdue Farms management and human resources employees at 15 poultry facilities across the country alleging the knowing hiring of illegal immigrants to depress wages.
- Conducted a confidential internal investigation of a high-level executive involving allegations of sexual harassment and other misconduct and advised the company with respect to the executive’s separation of employment.
- Conducted a number of internal investigations for a publicly-traded company involving whistleblower claims of self-dealing, theft, and violations of compliance laws and other company policies. The targets were upper-level management employees.
- Conducted a highly confidential internal investigation to resolve whistleblower reports of violations of a global company’s internal prescription drug production protocols. The allegations could have led to significant economic exposure in the market, massive product recalls, and ongoing involvement and monitoring by the FDA. As part of the investigative findings, Mr. Amiot advised the client regarding the discharge of both whistleblowers for fraud.
- Acted as outside counsel for a leading provider of information technology solutions and services to the federal government in all legal matters affecting the company.
- Successfully defended a national provider of managed care services (exclusively for government-sponsored health care programs) against an unfair labor practice charge before the NLRB that alleged unlawful discharge for engaging in concerted activity.
- Obtained favorable decisions in the United States Court of Appeals for the Fourth Circuit and the United States District Court for the District of Columbia on behalf of insurance providers in cases of first impression involving subrogation claims under ERISA.
- Obtained summary judgment in the United States District Court for the Eastern District of Missouri vacating an arbitrator’s award in favor of the International Brotherhood of Teamsters. In that case, the court agreed that the arbitrator exceeded his authority by modifying the terms and conditions of the collective bargaining agreement.
- Successfully represented companies from various industries, including food production, package transportation, brick manufacturing, and gas cylinder production, in numerous labor arbitrations covering issues of discharge, suspension, and contract interpretation.
- Successfully represented two companies in the negotiation of collective bargaining agreements against the International Brotherhood of Teamsters and the International Union of Operating Engineers. Neither union obtained a contract on behalf of its members.
- Provided strategic advice and day-to-day counsel to a global chemical manufacturer in connection with an unsuccessful six-month strike by union employees. Obtained a permanent injunction against the union, precluding striking employees from picketing in numbers greater than three, blocking entrances and exits, stationing relief pickets fewer than 500 feet from any entrance to the company’s premises, and blocking employees or third parties

from entering or exiting the facilities.

- Successfully defended companies against numerous charges of discrimination and retaliation before administrative agencies across the country.
- Advised, drafted, and negotiated complex executive employment agreements, bonus plans, and other compensation schemes for companies in an array of different industries.
- Obtained summary judgment on behalf of companies in cases involving claims of discrimination under Title VII, the ADA, the ADEA, the FMLA and other federal and state laws prohibiting employment discrimination and/or related to employment and employment rights.
- Provided day-to-day advice to a health care client with operations across the country in connection with audits conducted by the Department of Labor.

## Selected Cases

- *Reid v. Titan Steel Corporation*, No. 2500 (Md. Ct. Spec. App. Feb. 26, 2018) (affirming trial court's decision entering judgment in favor of Titan Steel)
- *Reid v. Titan Steel Corporation*, No. 24-C-15-004307 (Baltimore City Cir. Ct., Dec. 20, 2016) (following two-day trial, entering judgement in favor of Titan Steel in a \$900K contract dispute between the company and its former president)
- *Doe v. The New Ritz, Inc.*, No. RDB-14-2367, 2016 U.S. Dist. LEXIS 54910 (Apr. 25, 2016) (dismissing class action by exotic dancers pursuant to the terms of an arbitration agreement)
- *Smith v. Perdue Farms, Inc.*, No. 12-227-CPS-SRF, 2014 U.S. Dist. LEXIS 137921 (Sept. 30 2014) (overruling objections and dismissing same-sex harassment and retaliation claims filed by feedmill employee)
- *Walters v. McMahan*, 684 F.3d 435 (4th Cir. 2012) (affirming dismissal of civil RICO class action against Perdue Farms employees), *cert. denied*, 133 S. Ct. 1493 (2013).
- *Walters v. McMahan*, 795 F. Supp. 2d 350 (D. Md. 2011) (dismissing with prejudice civil RICO class action alleging that Perdue Farms human resources employees at 15 plants across the country engaged in a conspiracy indirectly to enrich themselves by hiring illegal immigrants for the purpose of depressing hourly wages), *aff'd*, 684 F.3d 435 (4th Cir 2012), *cert. denied*, 133 S. Ct. 1493 (2013)
- *Slavinski v. Columbia Association, Inc.*, 2011 WL 1230447 (D. Md. 2011) (denying conditional certification in FLSA collective action; denying injunction prohibiting communications with potential class members)
- *Slavinski v. Columbia Association, Inc.*, 2009 WL 24867 (D. Md. 2009) (denying court-facilitated notice in FLSA collective action)
- *New World Pasta Co. v. International Brotherhood of Teamsters*, 2007 WL 3232226 (E.D. Mo. 2007) (vacating arbitrator's award)
- *O'Shea v. International Brotherhood of Teamsters & United Parcel Service, Inc.*, 2006 WL 758323 (D. Md. 2006) (breach of duty of fair representation)
- *New World Pasta Co.*, 2004 WL 1531811 (Arb. 2004) (denied union claim of violation of seniority)
- *New World Pasta Co.*, 2003 WL 23310246 (Arb. 2003) (upheld employee suspension; falsification of documents; work rules)
- *Weaver v. United Parcel Service, Inc.*, 307 F. Supp. 2d 616 (D. Del. 2004) (dismissal of ADA & sex discrimination claims on summary judgment)
- *Primax Recoveries, Inc. v. Young*, 2003 WL 22973630 (4th Cir. 2003) (upholding legality of ERISA/subrogation claims)
- *Primax Recoveries, Inc. v. Lee*, 260 F. Supp. 2d 43 (D.D.C. 2003) (upholding legality of ERISA/subrogation claims)
- *Hux v. Hyatt Corp.*, 187 F.3d 629 (4th Cir. 1999) (granting defense attorneys' fees)
- *Owen-Williams v. Merrill Lynch, Pierce, Fenner, and Smith, Inc.*, 181 F.3d 90 (4th

Cir. 1999) (dismissing race discrimination, conspiracy, & intentional infliction of emotional distress claims)

- *Brennan v. Greenwood Trust Co.*, 1999 WL 33220028 (D. Del. 1999) (dismissing claim for improper benefits termination)
- *Wenzlaff v. NationsBank*, 940 F. Supp. 889 (D. Md. 1996) (first published decision in Maryland dismissing pregnancy discrimination claim)

## Honors and Recognitions

- *The Best Lawyers in America*®, "Employment Law - Management", "Labor Law - Management" and "Litigation - Labor and Employment" (2013-present)
- *Chambers USA*, "Labor & Employment" (2020)
- *Legal 500 USA*, "Recommended Attorney" (2020)
- *Martindale-Hubbell*®, "AV Preeminent® - Peer Rated for Highest Level of Professional Excellence" (2005-present)
- *SmartCEO Magazine*, "Legal Elite" and a "Go-To" Attorney in Business Law (2010)
- *Super Lawyers*®, "Super Lawyer" (2009-present)

## Pro Bono and Community Involvement

- Everyman Theatre, Board of Directors (2006-2015)
- Hippodrome Foundation, Board of Directors (2015-present)
- Maryland Art Place, Board of Trustees (1999-2012)
- Sahara, LLC, Board of Directors (2016-2018)

## Published Works

- *The Developing Labor Law* [Contributing Editor]
- "Watch Out For The New (And Old) Pay-Docking Restrictions," *Maryland State Bar Association Section of Labor and Employment Law Newsletter* (Fall 2004)

## Speeches

- "Conducting Workplace Investigations" webinar (January 2016)
- "Conducting Workplace Investigations" webinar (January 2015)
- "Understanding and Avoiding Sexual Harassment" (February/March 2009)
- "What Is And How To Avoid Sexual Harassment," a one-on-one training presentation to a client's management employee involved in inappropriate workplace conduct (April 2008)
- "A Guide To Avoiding Liability" (April 2006)
- "Union Avoidance Training" (March 2006)
- "How and Why Unions Organize" (February 2006)