

**Attorney
Biography**

Barbara E. Hoey



Practice Areas:
Labor and Employment
Litigation
- Class Actions

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Barbara Hoey is a partner in the firm's New York office and co-chair of the Labor and Employment practice group. She represents employers in all areas of labor and employment law, with a concentration in employment litigation.

Ms. Hoey has a broad range of litigation experience, from single-plaintiff to class action cases, and has won multiple trials of claims arising under Title VII, the Americans with Disabilities Act (ADA), Fair Labor Standards Act (FLSA), Family Medical Leave Act (FMLA) and the Age Discrimination in Employment Act (ADEA). She also has tried cases concerning breach of non-compete contracts and theft of trade secrets.

Ms. Hoey also advises clients on compliance with the employment laws and provides strategies for handling today's endless variety of workplace issues, including difficult terminations, workplace harassment, internal investigations, layoffs, early retirement plans, severance packages, executive compensation, formulation of personnel policies, wage and hour compliance, and union organizing.

Representative Experience:

Arch Personal Care Products, L.P. v. Ivar W. Malmstrom et al., 02 Civ. 3148 (JAP)

Won a \$7.1 million verdict representing the plaintiff, a multinational corporation, asserting claims of breach of a non-compete contract and violation of the Lanham Act.

Mustapha Darboe v. Goodwill Industries of Greater New York and Northern New Jersey, Inc. and Rex L. Davidson, 05-Cv-04732 (LDW-ARL) (E.D.N.Y.)

Won dismissal of a class action lawsuit alleging violations of the FLSA and New York State Labor Law.

Toni Petrunti v. Cablevision, 08-Cv-2277 (JFB) (AKT) (E.D.N.Y.)

Won summary judgment for the defendant in a lawsuit alleging violation of the ADA in U.S. District Court for the Eastern District of New York.

James H. Hoffman v. CIBA Vision Corporation, 04-Cv-1317 (DNH) (N.D.N.Y.)

Won summary judgment for the defendant in an age discrimination lawsuit in U.S. District Court for the Northern District of New York. Court also dismissed plaintiff's claim for breach of contract.

Carol Seaman v. Wyckoff Heights Medical Center, 4018/03 (N.Y. Supreme Court, Nassau County)

Won a defense verdict after trial, dismissing a lawsuit alleging retaliation and

violation of the New York Whistleblower Law.

Patrick Barrow v. The Burke Rehabilitation Hospital, (97 Iv. 3472) (BJP)
Obtained a jury verdict for the defendant in a Title VII litigation matter in which the plaintiff alleged race discrimination, wrongful termination, racial harassment and retaliation.

Ortiz and Ayuyao v. Catholic Medical Center, 95 Civ. 3338 (CPS) (E.D.N.Y.)
Obtained a jury verdict for the defendant in a Title VII race/national origin discrimination litigation matter.

Pino v. LoCascio and New York Hospital, 95 Civ. 0316 (CLB), (attorney fees) rev'd and remanded 101 F. 3d. 235 (2d Cir. 1996)
Obtained a jury verdict of \$1.00 in nominal damages in a federal sexual harassment litigation matter. Drafted appellate brief to Second Circuit in the successful appeal of the district court award of attorneys' fees to the plaintiff.

Batista v. Bd. of Education Yonkers School District, et. al., 95 Civ. 2126 (BDP) (S.D.N.Y.)
Obtained a jury verdict for the defendant in a federal civil rights/breach of contract action against the Yonkers School Board.

Caci v. The WIZ of Lake Grove, Inc., CV 01 - 3845 (JM) (ETB)
Obtained summary judgment in the U.S. District Court for the Eastern District of New York for The WIZ in an FLSA litigation matter brought by a sales associate.

Spina v. Our Lady of Mercy Medical Center, et al., 97 Civ. 4661 (S.D.N.Y.) (2nd Cir 03-9274)
Obtained summary judgment for the defendant in a sexual harassment litigation matter. Decision was affirmed by the Second Circuit.

Graziano v. The Society of the New York Hospital, 96 Civ. 2746 (S.D.N.Y.)
Obtained summary judgment for the defendant in an action brought by a group of professional employees under the FLSA seeking to challenge their exempt status.

Honors and Awards:

Editorial Advisory Board, *Employment Law 360*, 2009-2010

Listed as a New York "Super Lawyer," 2009

Kelley Drye Labor and Employment group recognized as a leading practice in New York, *Chambers USA*, 2008 and 2009

Publications:

"How to Lawfully Prevent Workplace Violence," *Employment Law360*, October 5, 2009

"Employment Testing After Ricci: Where Do We Go from Here?," *BNA Workplace Law Report*, September 2009

"Disability Law: ADA Amendments Broaden Protections for Employees,"

New York Law Journal, March 2009

"Age Discrimination: How the Supreme Court Has Made Layoffs Even More Challenging," *HRNow*, January 2009

"Layoffs Ahead? Do it Right," *Law360*, November 2008

"Discrimination-Disability: President Bush Signs ADA Amendments Act, Greatly Expanding Number of Employees Protected Against Disability Discrimination," *Bloomberg Law Reports*, November 2008

"Pornography and the Hostile Work Environment," *GC New York*, August 2008

"NLRB Ruling Allows Restrictions on Union Use of Company E-Mail," *GC New York*, March 2008

Q&A for Section on High-Profile Labor & Employment Lawyers, *Employment Law360*, January 2008

"Smart Steps Toward Compliance with New Commission Salesperson Law in New York," *Complinet*, December 2007

Interviewed for "The Welch Case: Focusing on 'Protected Activity,'" *Metropolitan Corporate Counsel*, November 2007

"Defining 'Protected Activity' Under SOX," *Employment Law360*, September 2007

"Conducting Internal Investigations: A Step-by-Step Guide," *Human Resources 2007: Answers To Your Top 25 HR Questions*, May 2007

"Does The ADA Protect The Violent Employee?," *Metropolitan Corporate Counsel*, August 2003

Client Advisories:

"Labor and Employment Law — 2009 Year in Review," January 19, 2010

"New Restrictions on Mandatory Overtime for Nurses," June 30, 2009

"FERA Enactment Brings Important Changes to the False Claims Act," June 16, 2009

"Senator Grassley Introduces S. 458, the "False Claims Act Clarification Act of 2009"," March 13, 2009

"Labor and Employment Law in 2009 — The Year of "Change"," February 23, 2009

"The Lilly Ledbetter Fair Pay Act: What Does It Mean For Your Business?," February 03, 2009

"New York Employers, Be Fore-WARNed," December 10, 2008

"Layoffs Ahead? Be Smart. Be Strategic. Do It Right.," October 30, 2008

"President Bush Signs ADA Amendments Act, Greatly Expanding the Number of Employees Protected Against Disability Discrimination," October 23, 2008

"Are Employer Now Expected to "Read the Minds" of Disabled Employees?," July 30, 2008

"The Genetic Information Nondiscrimination Act," May 22, 2008

"New Amendment to FMLA Expands Employees' Leave Rights," February 06, 2008

"Pause, Rewind and Fast-forward: Employment Law 2007-2008," January 28, 2008

"NLRB Rules that Employers Can Bar Union Use of Employer Email Systems," January 08, 2008

"Smart Steps Toward Compliance with New Commission Salesperson Law in New York," November 28, 2007

"Workers' Comp Bill Will Save Employers Money—And Crack Down on Fraud," March 07, 2007

"Beware the Pitfalls of the FLSA," February 05, 2007

"The Supervisor Bombshell," October 12, 2006

"FLSA Settlement Raises Employer's Awareness of Commuting Time," August 17, 2006

Speaking Engagements:

"An Expensive Problem: Employment Class Actions," Kelley Drye & Warren LLP CLE Seminar, December 1, 2009

"SOX Whistleblower Overview," November 5, 2009

"Are You Protecting Your Assets?," Kelley Drye & Warren LLP CLE Seminar, October 29, 2009

"FLSA Self-Defense - How to Avoid Overtime Litigation," Holtz Rubenstein Reminick's Semi-Annual Not-For-Profit Fiscal Workshop, October 27, 2009 and November 11, 2009

"Technology In Your Workplace: Monitoring Use and Preventing Abuse by Your Employees," SPI's Business of Plastics Conference, June 17, 2009

“Internal Investigations: Doing It Right and Staying Out of the Headlines,”
SPI’s Business of Plastics Conference, June 17, 2009

“How To Reduce Payroll Costs: Layoffs Aren’t Always the Answer,” Kelley
Drye & Warren LLP CLE Seminar, June 11, 2009

“R – E – S – P – E – C – T’ In The Workplace: How You Can Help Your
Company Avoid Harassment Claims,” April 14, 2009

“HR Issues in 2009, the Year of ‘Change’,” March 9, 2009

“Employment Law from A to Z,” Lorman Education Services, December
2008

“Navigating Disability Protections Under the Law: Avoiding the Perfect
Storm,” Kelley Drye & Warren LLP CLE Seminar, November 18, 2008

“Legal Obligations to Disabled Employees: The FMLA, ADA and WC,” June
3, 2008

Bar Admission:

New York, 1985

Courts:

U.S. Court of Appeals – Second and Third Circuits

U.S. District Court – Southern, Eastern and Northern Districts of New York

Education:

Fordham University School of Law, J.D., *cum laude*, 1984

SUNY - Albany, B.A., *magna cum laude*, 1981

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