

David C. Kurtz

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David is a member of Constangy's Executive Committee, co-chairs the Firm's Litigation Department, and leads the Firm's Technology & Entrepreneurial Ventures industry group and Transactional Solutions practice group. His legal practice involves the representation of unionized and non-unionized employers ranging from Fortune 500 companies to high-tech startups in every imaginable labor and employment related scenario. In resolving disputes and providing advice, David always considers the unique culture and business of his clients, and seeks to find creative solutions to seemingly "impossible" situations.

David focuses his practice on resolving employment disputes through litigation, arbitration, and mediation. He also counsels clients regarding matters including hiring and firing decisions, severance agreements, employee handbooks, employee discipline, wage and hour laws, and compliance with state and local statutes, regulations, and case law. Recognizing the needs of both the past and present employer in such situations, David has developed extensive experience representing clients in connection with restrictive covenant matters involving confidentiality agreements, covenants-not-to-compete, non-solicitation agreements and the misappropriation of trade secrets. David also has an active "traditional" labor law practice. He represents employers in all facets of the management-union relationship, including negotiations and collective bargaining, elections, arbitrations, and unfair labor practice charges.

Representative Matters

David has represented clients with labor and employment issues throughout the United States and internationally, including matters in: Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Belgium, Canada, Great Britain, Israel, Japan and Mexico. The following are a few highlights:

- David has represented multiple employers in defending against wage and hour class actions dealing with issues concerning tips, gratuities, service charges, overtime, employee classification, meal breaks and minimum wage. Developing an aggressive, targeted strategy from the onset of the case, David

Boston

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Suite 902
Boston, Massachusetts 02116

New York City

The New York Times Building
620 Eighth Avenue, 38th Floor
New York City, New York 10018

Los Angeles

2029 Century Park East
Suite 1100
Los Angeles, California 90067

Orange County

Plaza Tower
600 Anton Blvd
11th Floor
Costa Mesa, California 92626

Practices

Class/Collective Actions

Employment Litigation
Prevention & Defense

Labor Relations

Transactional Solutions

Wage and Hour Compliance &
Litigation

Practice Emphasis

Labor Relations

Litigation; Employment Litigation
Prevention and Defense

Wage and Hour Compliance and
Litigation

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has successfully defeated class certification motions and has worked tirelessly to reach early, nominal settlements in an attempt to save the time, expense and risk of litigation.

- David has first-chaired numerous disciplinary and contract interpretation labor grievance arbitrations on behalf of several of the country's most renowned telecommunications and hospitality employers.
- Amongst dozens of employment discrimination, harassment and retaliation matters litigated or negotiated to successful conclusions, David led the defense of a Fortune 100 company in one of the most document intensive sexual harassment cases the client had ever witnessed, negotiating a nominal settlement on the eve of trial.
- David has quarterbacked more than 20 restrictive covenant and trade secret disputes, usually achieving early settlement, but, where necessary, litigating as long as necessary to achieve the desired outcome.
- David has advised numerous clients regarding labor and employment issues arising in transactional matters, such as mergers, acquisitions and sales of businesses/business units, having developed a particular expertise in connection with health care transactions.

Honors & Recognitions

- Massachusetts Employment Dispute Resolution Attorney of the Year, *Corp International Magazine* (2014)
- Massachusetts Super Lawyers® (2014-2019)
- Rising Star, Massachusetts Super Lawyers® (2010-2013)

Client Presentations & Firm Publications

- New Jersey WARN Act now excludes mass layoffs caused by national emergency and delays effective date of 2019 amendments, 4.15.20
Constangy FYI
- WEBINAR – COVID-19 in the Bay State: How Massachusetts' Emergency Measures Will Affect Employers, 3.31.20
Webinar
- The Massachusetts Wage Act: A New Incentive for Employers to Pay Up, 8.7.15

Speaking Engagements & Industry Publications

- "Inclement Weather Poses FLSA Challenges" (quoted), *SHRM*, January 2015

Industries

Technology & Entrepreneurial Ventures

Education

Boston College Law School

- J.D., *cum laude*, 1998
- Editor, *Boston College Law Review*

University of Virginia

- B.A., 1995

Bar & Court Admissions

Massachusetts, 1998
New York, 2001

California, 2020

U.S. Court of Appeals for the First Circuit

U.S. District Court for the District of Massachusetts

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of Wisconsin

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- “CDC Tightens Safety Rules at U.S. Hospitals Treating Patients With Ebola” (quoted), *Business Insurance*, October 2014
- “Legal Update: Hot Topics and Current Developments in Employment Law,” presented for Greater Merrimack Valley Human Resource Association, March 2014
- “Staffing 101: Employment Law,” presented for Massachusetts Staffing Association, March 2014
- “Hot Issues in Labor, Employment & Immigration Law for Hotels,” presented for Massachusetts Lodging Association, December 2013
- “Gray Thursday: A Heaping Plate of Employment Law Tips for Thanksgiving's New Tradition,” *Retail Law Strategist*, Volume 13, Issue 3, Fall 2013
- "Job Cuts from Sequester Could Be Expensive" (quoted), *CNBC*, February 2013
- "Mandatory Flu Vaccines: What Employers Need to Know" (quoted), *Human Resource Management: Ideas & Trends*, February 2013
- "Sick-Leave Policies for Flu Season and Beyond" (quoted), *SHRM*, January 2013
- "Staffing for Flu Influx: Hospitals Feel Prepared for Surge" (quoted), *Modern Healthcare*, January 2013
- "Beyond Twinkies: Why More Workers Are Striking" (quoted), *CNBC*, November 2012
- “How AT&T Stripped Exotic Dancers’ Rights” (co-author), *Law360*, September 2011
- “Documenting the Hiring Process” (co-author), *Drafting Employment Documents in Massachusetts, Chapter 1, MCLE, Inc.*, February 2010
- “Top 10 Do’s and Don’ts for Supervisors,” presented at 59th Annual New England Press Association Convention, February 2009