



Adam N. Saravay
Partner

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Employers and executives retain Adam Saravay to guide them through high-stakes, complex employment and commercial disputes. To each engagement, he brings experience and strategic insights acquired through twenty years of litigating a wide range of employment and business issues in the state and federal trial and appellate courts and administrative agencies.

Mr. Saravay regularly represents employers and executives in wage-and-hour and overtime class actions and collective actions, employment contract disputes, cases involving misappropriation of trade secrets, employee disloyalty, employee raiding, non-competition and non-disclosure agreements, and discrimination and whistleblower retaliation claims. An accomplished appellate litigator, Mr. Saravay has been involved in over 15 decisions by the New Jersey Supreme Court, New Jersey Appellate Division, Third Circuit Court of Appeals, and Second Circuit Court of Appeals, including several often-cited opinions on class action litigation, arbitration, and employment law issues.

Drawing on his broad litigation experience, Mr. Saravay counsels employers and executives on decisions large and small, ranging from major policy changes, terminations, and internal investigations to day-to-day questions involving compliance with employment laws, best practices, and litigation prevention. Clients seek Mr. Saravay's advice on such issues as protection of trade secrets, arbitration programs, employment agreements, compensation, hiring, firing, background checks, employee discipline, wage-and-hour and overtime requirements, sexual harassment complaints, whistleblower complaints, employee leave requests, and disability accommodations. He also advises clients on issues of accessibility under the Americans with Disabilities Act and similar state statutes.

In the area of commercial litigation, Mr. Saravay represents closely-held corporations and shareholders in disputes over corporate ownership and control, compensation, minority shareholder oppression, and related issues. He has also represented corporate and individual clients in RICO, fraud, contract, and regulatory cases. In the white-collar criminal defense field, he has counseled witnesses and targets in grand jury investigations and represented clients in the state and federal trial and appellate courts. He was part of the appellate team that obtained the reversal of the convictions in what was, at the time, one of the largest and highest-profile securities fraud prosecutions in the District of New Jersey.

Mr. Saravay's pro bono work has included representing victims of domestic violence in final restraining order hearings, advising charitable organizations on employment issues, and submitting friend-of-the-court briefs to the New Jersey Supreme Court on behalf of various non-profit groups.

Mr. Saravay is on the New Jersey Superior Court roster of court-approved mediators and is recognized as a *New Jersey Super Lawyer* for 2008 through 2015 editions.

REPRESENTATIVE MATTERS

Givaudan Fragrances Corporation v. Krivda and Mane USA Inc.
Successfully defended fragrance industry executive against claims of trade secret misappropriation, breach of confidentiality agreement, and violation of the Computer Fraud and Abuse Act, obtaining defense verdict after 5-week jury trial in federal court.

Stillman v. Staples, Inc.

PRACTICE

Labor & Employment
Law
Class Action/Multidistrict
Litigation

EDUCATION

J.D., Harvard Law
School, *magna cum
laude*, 1990

B.A., Harvard College,
summa cum laude, 1986

Law Clerk, Hon. Miriam
Goldman Cedarbaum,
U.S. District Court,
Southern District of New
York, 1990-1991

BAR ADMISSIONS

New Jersey
New York

COURT ADMISSIONS

U.S. Court of Appeals,
Third Circuit

U.S. District Court,
District of New Jersey

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

U.S. Supreme Court

Defended national office supply retailer in multi-district overtime litigation, including a dozen class actions and collective actions and a six-week jury trial. Stillman v. Staples, Inc., 2009 WL 1437817 (D.N.J. May 15, 2009); Stillman v. Staples, Inc., 2008 WL 1843998 (D.N.J. April 22, 2008).

Sutter v. Oxford Health Plans LLC

Defending health insurer in class arbitration brought by participating medical providers alleging improper reimbursement for medical services; part of appellate team in the United States Supreme Court, Oxford Health Plans LLC v. Sutter, 133 S.Ct. 2064 (2013), and the Third Circuit Court of Appeals, Sutter v. Oxford Health Plans LLC, 675 F.3d 215 (3d. Cir. 2012), for appeal involving class arbitration.

National Office Supply Retailer

Defended national office supply retailer in overtime collective and class action alleging that delivery drivers were misclassified as independent contractors, obtaining dismissal of all claims against client.

Johnston v. Crossmark, Inc.

Defended national sales and marketing services company in overtime collective action lawsuit and obtained sanctions against plaintiff's counsel. Johnston v. Crossmark, Inc., 2009 WL 2152523 (D.N.J. July 17, 2009) (denying collective action certification on two of three issues in Fair Labor Standards Act overtime lawsuit).

Family-Owned Manufacturing Business

Defended family-owned manufacturing business and majority shareholders in arbitration and litigation by terminated shareholder alleging discrimination and minority shareholder oppression.

National Environmental Services Company

Enforced non-competition and non-solicitation agreements in multiple cases on behalf of national environmental services company, obtaining preliminary injunctions, damages, and attorneys' fees.

Reinsurance Brokerage Firm

Obtained injunction enforcing non-competition and non-solicitation agreement on behalf of reinsurance brokerage firm against former second-highest ranking executive, who had departed and solicited away employees and customers. Preserved client's customer base and staff and recovered favorable monetary settlement.

National Mortgage Brokerage Company

Defended national mortgage brokerage company against claims of employee raiding and tortious interference with non-competition agreements, obtaining settlement on first day of trial for approximately 2% of amount initially demanded by plaintiffs.

White v. Williams

Defended former Attorney General of New Jersey in civil rights class action, defeating class action certification. White v. Williams, 208 F.R.D. 123 (D.N.J. 2002).

National Sports Network

Prevailed on motion to dismiss breach of contract complaint by former sportswriter against national sports network.

National Financial Services Company

Obtained dismissal of ten-count complaint against national financial services company alleging violations of Fair Credit Reporting Act (FCRA) and claims for breach of contract.

International Financial Services Company

Obtained summary judgment in favor of international financial services company on claims for breach of employment contract brought by executive terminated for cause.

Vuong v. Trump Taj Mahal Associates

Obtained summary judgment on behalf of state's largest hotel and casino resort company in breach of contract lawsuit brought by executive terminated for cause; affirmed on appeal. Vuong v. Trump Taj Mahal Associates, 2006 WL 2001294 (N.J. App. Div. July 19, 2006).

Butler v. Raytel Medical Corp.

Successfully defended national medical services company in appeal of summary judgment dismissing discrimination claim by former employee. Butler v. Raytel Medical Corp., 150 Fed.Appx. 44, 2005 WL 2365340 (2d Cir. September 27, 2005).

Trucking Companies

Defending several trucking companies in overtime class action lawsuits in state and federal courts., including Luxama v. Ironbound Express, Inc., No. 11-2224, 2012 WL 5973277 (D.N.J. June 28, 2012), and Luxama v. Ironbound Express, Inc., No. 11-2224, 2013 WL 3286081 (D.N.J. Jun. 27, 2013).

Charter Airline

Defended charter airline in discrimination and whistleblower retaliation lawsuit.

Health Insurance Company

Defended state's largest health insurance company in multiple discrimination and whistleblower retaliation lawsuits.

Iliadis v. Wal-Mart Stores, Inc.

Submitted friend-of-the-court brief to New Jersey Supreme Court regarding class action certification issues in overtime class action. Iliadis v. Wal-Mart Stores, Inc., 191 N.J. 88 (2007).

Lewis v. Harris

Submitted friend-of-the-court brief to New Jersey Supreme Court regarding marriage equality. Lewis v. Harris, 188 N.J. 415 (2005).

In re Cendant Corp.

Retained to appeal district court's order imposing sanctions; obtained reversal in frequently-cited opinion disapproving district court's procedures regarding selection of class counsel. In re Cendant Corp., 260 F.3d 183 (3d Cir. 2001).

Doug Grant, Inc. v. Greate Bay Casino Corp.

Successfully moved to dismiss all claims in multi-count complaint brought by card counter asserting violations of RICO and state gaming regulations, and obtained affirmance on appeal. Doug Grant, Inc. v. Greate Bay Casino Corp., 232 F.3d 173 (3d Cir. 2000).

State v. Trump Hotels & Casino Resorts, Inc.

State v. Trump Hotels & Casino Resorts, Inc., 160 N.J. 505 (1999) (constitutional challenge to state authority's use of dedicated tax revenues for bridge-and-tunnel project).

Campione v. Adamar of New Jersey, Inc.

Campione v. Adamar of New Jersey, Inc., 155 N.J. 245 (1998) (reversing seven-figure jury award against casino in lawsuit brought by ejected card counter.)

Metropolitan Transp. Authority v. Contini

Metropolitan Transp. Authority v. Contini, 2005 WL 1565524 (E.D.N.Y. July 06, 2005) (motion to dismiss RICO and fraud claims).

Nittoli v. Morris County Bd. of Chosen Freeholders

Nittoli v. Morris County Bd. of Chosen Freeholders, 2006 WL 2077335 (D.N.J. July 24, 2006) (motion to dismiss civil rights, discrimination, and retaliation claims).

In re Crazy Eddie Securities Litigation

In re Crazy Eddie Securities Litigation, 948 F.Supp. 1154 (E.D.N.Y. 1996) (calculation of damages in class action securities lawsuit).

U.S. v. "Crazy Eddie" Antar

U.S. v. "Crazy Eddie" Antar, 53 F.3d 568 (3d Cir. 1995) (reversing securities fraud conviction of "Crazy Eddie" Antar).

NEWS

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| 10/15/15 | Adam Saravay quoted in "FCRA Suits Mounting, But SCOTUS Might Stem Surge," which appeared in New Jersey Law Journal |
| 07/02/15 | Adam Saravay quoted in "The Biggest NJ Court Decisions of 2015: Midyear Report," which appeared in Law360 |
| 06/19/15 | McCarter profiled in "New Jersey Powerhouse: McCarter & English," which appeared in Law360 |
| 02/12/15 | Adam Saravay quoted in "NJ High Court Throws Up Roadblock for Harassment Plaintiffs," which appeared in Law360 |
| 01/20/15 | Adam Saravay quoted in "Court Mulls Whistleblower Protection for "Watchdog Employees,"" in the New Jersey Law Journal |
| 01/20/15 | Adam Saravay quoted in "Attys Spar Over Protections for Watchdog Employees in NJ," which appeared in Law360 |
| 10/15/14 | Adam Saravay quoted in "Disability Lawsuits Against Small Businesses Soar," which appeared in the Wall Street Journal |
| 10/15/14 | Adam Saravay quoted in "Accessibility Claims Expected Over Websites – H&R Block Case Offers Clear Road Map for Lawsuits" which appeared in The Wall Street Journal |
| 10/13/14 | Adam Saravay mentioned in "Camden Research Firm Sued by Michael J. Fox Foundation" in the New Jersey Law Journal |
| 10/06/14 | Adam Saravay mentioned in "Michael J. Fox Foundation Sues Lab over Spoiled Specimens," which appeared in Law360 |
| 08/25/14 | Adam Saravay quoted in "Fla. Lawyers Driving Boom in N.J. Disabled-Access Suits," which appeared in New Jersey Law Journal |
| 07/11/14 | Adam Saravay quoted in "Revisions Take Bite Out Of Proposed NJ Hiring Restrictions," which appeared in Law360 |
| 02/27/14 | Adam Saravay quoted in Law360 "Defense Attys Pull Back Curtain On \$80M Trade Secrets Win" |
| 02/10/14 | Adam Saravay mentioned in The American Lawyer "Perfumer Dodges Flavor Behemoth's \$80M Trade Secrets Suit" |
| 02/07/14 | Adam Saravay mentioned in Law360 "Fragrance Co. Loses \$80M Trade Secrets Suit" |
| 02/07/14 | Adam Saravay quoted in NJBIZ "Federal jury rules former Givaudan employee did not steal trade secrets" |

08/08/13	Adam Saravay quoted in Law360, "NJ Employers Face New Liability With Leave For Abuse Victims"
05/17/13	Adam Saravay quoted in Law360, "NJ Bill Could Shake Up Contractor Model For Port Trucking"
04/16/13	Adam Saravay quoted in Law360, "Lawyers Weigh in on Supreme Court's FLSA Ruling"
04/12/13	Adam Saravay quoted in Law 360 article "NJ High Court Poised to Clarify Whistleblower Protections"
02/01/13	Adam Saravay quoted in Employment Law 360 regarding proposed constitutional amendment to increase New Jersey minimum wage
12/13/12	Adam Saravay mentioned as co-counsel in Law360, Oxford Appeal May Doom Class Arbitration For Workers
12/07/12	Adam Saravay is co-counsel for Oxford Health Plans in U.S. Supreme Court Appeal
10/16/12	Adam Saravay mentioned as co-counsel in Law360, Oxford Appeal Could Doom Class Arbitration
10/01/12	Adam Saravay quoted in the NJBIZ article "Competition for workers a good economic sign."
10/07/11	Adam Saravay mentioned as so-counsel in Law360 article Citing Concepcion, Judge Lets Robert Half Arbitrate OT Row
03/22/10	37 McCarter Attorneys Recognized As New Jersey Super Lawyers for 2010
03/31/09	43 McCarter Attorneys Recognized As New Jersey Super Lawyers for 2009
02/01/08	Adam Saravay quoted in February 2008 New Jersey and Company article Fair Warning? A new state law may have businesses running to their lawyers
06/18/07	Adam Saravay was quoted in June 2007 NJBiz article Employee or Independent Contractor? A court ruling puts pressure on small business owners
02/14/07	Adam Saravay quoted on Employment.Law360.com regarding overtime suits in the pharmaceuticals and financial services industries

SPEAKING

01/21/15	New Jersey Civil Justice Institute Teleforum: "When Whistling Is Your Work: A Recap of the Oral Arguments in Lippman v. Ethicon, Inc." Adam N. Saravay New Jersey Civil Justice Institute
12/12/12	CLE Seminar: Ethical Issues for In-House Counsel Serving Multi-Entity Enterprises Adam N. Saravay M&E CLE Seminar, Newark, NJ
11/16/11	CLE Seminar: Non-Competition Agreements and Protecting Valuable Business Information Adam N. Saravay M&E CLE Seminar, Newark, NJ
07/27/11	Defending Our Ports: What you need to know to avoid liability associated with contracting with owner-operators Gregory H. Horowitz and Adam N. Saravay
06/28/11	Wage and Hour 101 Adam N. Saravay CLE Seminar, M&E Seminar, Newark, NJ
06/15/10	Wage and Hour Laws: Compliance, Litigation, and Preventive Measures Adam N. Saravay New Jersey Law Journal's Continuing Legal Education Seminar for In-House Counsel
11/20/09	Hot Topics in Employment Law: What you Need to Know Now Adam N. Saravay M&E Breakfast Seminar, Newark, NJ

EVENTS

12/17/14	Protecting Your Business: The Nuts and Bolts of Hiring and Firing Employees
11/16/11	McCarter's Annual Employment Law Workshop
06/28/11	Breakfast With McCarter: Wage and Hour Seminar
11/20/09	Hot Topics in Employment Law: What You Need to Know Now

PUBLICATIONS

- 09/03/15 Appeals Court Upholds USDOL's New Minimum Wage and Overtime Rules for Home Care Workers Employed by Home Health Care Agencies - M&E Labor & Employment Law // Health Care Alert
M&E Labor & Employment Law Alert
- 09/01/15 Just in Time for Labor Day – Employees You Didn't Know Were Yours
M&E Labor & Employment Law Alert
- 08/18/15 What Employers Must Do Now to Prepare for the Inevitable Increase in the Minimum Salary Level for Exempt Employees
John P. Quirke and Christopher S. Mayer
M&E Labor & Employment Alert
- 06/08/15 Update on the Massachusetts Earned Sick Time Law: What Employers Need to Do by July 1, 2015 -
Labor & Employment Alert
M&E Labor & Employment Law Alert
- 08/21/14 And Now More Disclosure Requirements for Federal Contractors – Employee Compensation
M&E Government Contracts Alert
- 08/18/14 New Jersey enacts "Ban-the-Box" law, limiting inquiries about criminal history during first phase of hiring process
M&E Labor & Employment Law Alert
- 03/28/14 New Paid Sick Time Mandates in New York & New Jersey
M&E Labor & Employment Alert
- 01/21/14 Attention Employers: New Poster Requirement in New Jersey Regarding Gender Equity in Pay and Compensation
M&E Labor & Employment Alert
- 10/29/13 Indefinite Leaves of Absence May Be Required as a Reasonable Accommodation
Adam N. Saravay
Workforce
- 09/26/13 Patient Protection and Affordable Care Act Deadline Looms:Here's What Employers Need to Do
M&E Labor & Employment Law Alert
- 08/29/13 OFCCP Announces Big Changes for Federal Contractors' Affirmative Action Obligations
Daniel J. Kelly, Pamela J. Moore, David Himelfarb, Joseph E. Ruccio, III, Bonnie A. Vanzler, Patrick M. Collins, Thomas F. Doherty, Mitchell Fishberg, Amy Haberman, Zlatko "Zack" Hadzismajlovic, Christopher S. Mayer, John M. McKelway, Adam N. Saravay, Peter D. Stergios and Richard Voigt
M&E Labor & Employment Law // Government Contracts Alert
- 07/01/13 New York City Employers on Alert: New Sick Leave Mandate Passed
M&E Labor & Employment Alert
- 06/19/13 OSHA Scrutinizes Employer Accident Reporting and Safety Incentive Policies
Richard Voigt
M&E Labor & Employment Alert
- 05/14/13 D.C. Circuit Ruling Strikes Down NLRB Union Poster Rule
M&E Labor & Employment Alert
- 12/03/12 Supreme Court Could Alter FLSA Collective Action Landscape by Adam Saravay appeared in New Jersey Law Journal
Adam N. Saravay
New Jersey Law Journal
- 11/28/12 Employer uses solid policies and procedures to defeat wage-and-hour class action
Labor & Employment Alert
- 01/27/12 New Jersey Trade Secrets Act Creates New Remedies for Misappropriation and Warrants Precautionary Measures When Hiring Employees
M&E Labor & Employment Alert
- 01/25/12 NLRB Rules Class Action Waiver in Employment Agreement Violates the NLRA
Peter D. Stergios and Jennifer Itzkoff
M&E Labor & Employment Alert
- 12/20/11 **New Jersey Wage and Hour Law Section**
Adam N. Saravay
Practical Law Company's Wage and Hour Laws: State Q&A Tool

12/07/11	New Notice To Be Posted And Distributed By New Jersey Employers Starting December 7, 2011 M&E Labor & Employment Alert
09/05/11	New NLRB Notice Posting Rule Impacts Almost All Employers, Union And Non-Union M&E Labor & Employment
09/06/10	New Massachusetts Law Regulates Employers' Use Of Criminal Background Information M&E Labor & Employment Alert
01/20/09	Defense Contractors Will Soon Be Prevented from Demanding and Enforcing Mandatory Arbitration of Employment Disputes M&E Government Contracts Alert
12/01/07	New Jersey Supreme Court Slated to Review Forfeiture Provision in Employee Stock Purchase Program Adam N. Saravay Workplace Newsletter, Fall/Winter 2007, McCarter & English, LLP
10/18/07	New York Labor Law Now Requires Salespersons' Commission Agreements To Be In Writing Adam N. Saravay and Thomas F. Doherty M&E Alerts
09/10/07	No-Match Letters, And The New Rule: Down But Not Out? M&E Labor & Employment Alert
06/11/07	New Jersey Supreme Court's Decision In Wal-Mart Case Likely To Encourage More Wage-And-Hour Class Actions In New Jersey Adam N. Saravay McCarter Newsletters
04/30/07	Third Circuit Reaffirms Employer's Right to Discharge Employee on FMLA Leave for Unrelated Reason Adam N. Saravay Workplace Newsletter
04/30/07	Workplace: an Update on Labor, Employment and Benefits Issues Christopher S. Mayer, Pamela J. Moore, Adam N. Saravay and Thomas F. Doherty McCarter & English Newsletter
12/26/06	An Update on Labor, Employment and Benefits Issues Pamela J. Moore, Adam N. Saravay, Patrick M. Collins and Thomas F. Doherty, Richard Voigt, Colin D. Munro II The Workplace Newsletter
05/01/06	NJ Independent Contractors Targeted by Corzine Administration Pamela J. Moore and Adam N. Saravay Workplace Newsletter
05/01/06	New Jersey Enacts Identity Theft Act Pamela J. Moore and Adam N. Saravay Workplace Newsletter