

## Mark J. Levine

### Shareholder

#### PRACTICE EMPHASIS:

Labor & Employment Litigation; Employment Consultation,  
Wage & Hour Compliance; Business Litigation

#### EDUCATION:

J.D., *with honors*, University of Texas School of Law,  
B.A., *magna cum laude*, Washington University at St. Louis

#### ADMITTED:

State Bar of Texas

#### COURT ADMISSIONS:

U.S. District Court, Northern, Southern, Western and Eastern  
Districts of Texas



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### Profile:

Mark J. Levine is seasoned litigator in the firm's Houston office who enjoys a dual practice, representing clients in both matters of employment and general business litigation.

Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, Mark has extensive experience representing employers against discrimination, harassment, and retaliation suits in Texas and throughout the United States. He defends overtime claims under the FLSA, and frequently prosecutes and defends cases involving theft of trade secrets and violations of noncompete and non-solicitation obligations. He is a seasoned trial lawyer with extensive jury trial and arbitration experience involving employment matters, fiduciary duties, real estate transactions, executive compensation, and an array of other business litigation.

### Professional Recognition:

Texas Super Lawyers® by Thomson Reuters (Business Litigation); Since 2009  
Martindale-Hubbell AV® Preeminent TM Peer Review Rated

### Representative Experience:

#### EMPLOYMENT COUNSELING

- Represented clients through hundreds of EEOC and state fair employment agency charges of discrimination across the United States.
- Defended employers in dozens of DOL overtime and minimum wage investigations.
- Drafted policies and agreements addressing a variety of employer concerns.

#### EMPLOYMENT LITIGATION

- Obtained jury verdict and judgment in Harris County awarding two executives \$1,67,725.51 in golden parachute plan and executive compensation dispute against exploration company. (Top 10 Employment Verdict of 2014).
- Represented large staffing company and obtained 100% indemnification against FLSA overtime claims exceeding \$20 million related to suits in U.S. District Court Southern District of Texas, Houston Division.
- Obtained jury verdict and judgment defeating employee claim for worker's compensation retaliation in Harris County.

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*Representative Experience (Cont'd)*

- Obtained jury verdict and judgment in Billings, MT defeating former controller's claim for violation of Montana Wrongful Discharge of Employment Act.
- Secured summary judgment (affirmed by the U.S. Ninth Circuit Court of Appeals) in favor of subsidiary of national specialty contractor under the WARN Act setting new precedent.
- Obtained directed verdict in Jackson, Mississippi against former employee's claim for retaliatory discharge for allegedly reporting collusion.
- Obtained jury verdict and judgment in race discrimination and retaliation claim in U.S. District Court, Northern District of Florida.
- Defeated certification of collective action under the FLSA of potentially 500 class members in suit seeking overtime compensation and obtained favorable resolution of few individual plaintiffs.
- Obtained favorable settlement in U.S. District Court for the Northern District of Illinois (Rockford, IL) when jury deadlocked during race discrimination and retaliation suit.
- Obtained jury verdict and judgment in Harris County for chemical manufacturer against former employee claim of age discrimination.
- Obtained directed verdict in U.S. District Court Southern District of Texas for trucking company against former employee claiming company cheated him in his wages and for FLSA violations.
- Obtained summary judgment for three individuals denied earnout compensation on sell of business in Philadelphia arbitration.
- Obtained summary judgment in favor of executive on contract claim and awarded additional damages on appeal for total recovery of \$1,167,725.51 (inclusive of attorney's fees.)
- Obtained preliminary injunction and subsequent permanent injunction to enforce noncompete connected to acquisition agreement.
- Prevailed in Denver arbitration for construction company against former employee/former owner of acquired business claiming constructive discharge.
- Obtained favorable resolutions of many FLSA individual plaintiff and collective actions.
- Obtained summary judgments in State and Federal Court on various employment discrimination, harassment, and retaliation claims.

**BUSINESS LITIGATION**

- Obtained jury verdict and judgment defeating lost profit claim over \$30 million for alleged defective seismic product and secured award in favor of client to recover unpaid debt obligation.
- Obtained jury verdict and judgment in U.S. District Court, Southern District of Texas, awarding corporation \$1,060,000 for unpaid receivables and defeated multimillion dollar counterclaim for tortious interference of international telecommunications contract.
- Obtained jury verdict and judgment in favor of client against third party administrator for negligence and breach of contract related to COBRA administration processes.
- Secured favorable settlement in suit against foreign manufacturer of steel forgings that allegedly failed in deep water Gulf of Mexico.
- Obtained arbitration award recovering earnest money and attorney's fees for prospective purchaser of large condominium units on counterclaim against seller of real estate.

**Recent Speeches and Publications:**

Frequent Speaker at various industry associations, including SHRM

Author, Employment Matters Blog since 2010 at [www.employment-matters.com](http://www.employment-matters.com)