

# FisherBroyles

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**Practice Areas:** Employee Benefits & Executive Compensation; Employment; Media & Communications Law; Government; Insurance; Intellectual Property; International; Litigation – Civil Pretrial and Trial Services; Litigation & Risk Management; Mediation; Professional & Management Liability

**Bar Admissions:** New York; United States District Court for the Southern District of New York; United States District Court for the Eastern District of New York; U.S. Court of Appeals, Second Circuit; U.S. Court of Appeals, Third Circuit

**Education:** The American University, Washington College of Law, J.D., Summa Cum Laude, 1995; Swarthmore College, B.A. Honors, History/Art History, 1992

**Experience:** Baker & McKenzie; Davis Polk & Wardwell; Greenberg Traurig; Seyfarth Shaw; Dentons

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Jonathan Evan Goldberg is a litigation and employment law partner at FisherBroyles, LLP. An experienced trial lawyer and frequent public speaker, he has represented corporations, LLCs, partnerships, non-profits, law firms, and boards of directors, as well as officers, executives, attorneys, and others, in all aspects of complex commercial litigation, employment litigation, arbitration, and employment law. Mr. Goldberg, a native New Yorker, began his legal career at the international law firm of Baker & McKenzie, followed by a federal clerkship for The Honorable Harvey E. Schlesinger in the Middle District of Florida. Upon his return north, he joined the New York office of Davis Polk & Wardwell as a lateral, during which he successfully prosecuted and first chaired a federal jury trial involving claims of excessive force under Section 1983 (*Ruffin v. Fuller*). Seeking more trial experience, he joined Kasowitz Benson Torres & Friedman and subsequently joined the labor and employment department of Greenberg Traurig as Of Counsel. He left GT with a group of lawyers in 2008 and became a partner at Seyfarth Shaw, during which he again first chaired and won his second federal jury trial defending claims of retaliatory and discriminatory termination of employment (*Riscilli v. Gibson Guitar*). Mr. Goldberg rounded out his big firm experience at Dentons, during which he won his third jury trial, successfully defending claims for,

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among others, breach of contract, fraud, conspiracy, defamation, and tortious interference with contract and prospective economic advantage (*Bogage v. Display Group 21*).

During his 21-year legal career, Mr. Goldberg has litigated hundreds of cases in federal and state courts throughout the United States involving claims of retaliation, discrimination, wrongful termination, fraud, defamation, breach of fiduciary duty, and breach of contract, as well as commercial contract disputes, civil RICO, ERISA, trade secrets and restrictive covenants, corporate governance disputes, minority shareholder disputes, partnership disputes, Madoff counseling and defense, advancement and indemnification proceedings, whistleblower actions (SOX and CEPA), executive compensation counseling, litigation, and arbitration, international litigation and arbitration, antitrust litigation and arbitration, products liability litigation, environmental and toxic tort litigation, and securities fraud. Jonathan has also defended corporate and individual clients in connection with investigations by the US Department of Labor (DOL) and the US Department of Justice (DOJ), and is experienced in bringing and defending against TROs (temporary restraining orders) and preliminary injunctions in federal and state courts. He has also handled a number of state and federal appeals.

Jonathan also concentrates on and advises US and multinational corporations and executives in all aspects of employment law, including drafting and negotiating employment and separation agreements, corporate restructurings and reductions in force, employment advice related to corporate transactions, internal corporate investigations, handbooks and policy manuals, sexual harassment and other sensitivity training, protecting against employee raiding and theft of confidential information, and compliance with all federal, state, and local discrimination laws.

Jonathan is also a trained and skilled mediator and always explores ways to resolve disputes early so that his clients can focus on their business and personal matters.

Mr. Goldberg lives in New York, New York, and is the co-founder, President, and Chairman of the Board of Cherub Improv ([www.cherubimprov.org](http://www.cherubimprov.org)), a non-profit that "performs community service" by providing free, family-friendly improv comedy shows and workshops to those who need it most, including senior citizens, adults and children living with cancer, veterans, hospital and hospice patients, and many others. Mr. Goldberg himself frequently performs improv for underserved-communities and teaches various groups (including lawyers, entrepreneurs, and corporate leaders) the basic principles of improv: listening, being supportive of others' ideas, feeling confident, embracing creativity, teamwork, and thinking quickly on one's feet. He also serves on the board of Citileaf (f/k/a Friends House).

### Representative Transactions Include

- Defending technology company and its board of directors in multimillion dollar PA state court action brought by founder/consultant/shareholder alleging claims for breach of fiduciary duty, breach of contract, and rescission; prosecuting action in NJ federal court on behalf of executive terminated in breach of his employment agreement; defending companies and their majority owners in numerous state court actions throughout NY and NJ alleging breach of contract and fraud; defending company in connection with DOL investigation regarding misclassification of employees; defending health-tech entrepreneur in connection with DOL investigation regarding unemployment insurance fraud; counseling global company and its US subsidiary in connection with various employment law matters; and negotiating numerous separation agreements.

### Presentations & Teaching Experience

- Panelist, 13th Annual Directors and Officers Insurance ExecuSummit, May 16, 2017
- Speaker, "FRCP 45 Third-Party Subpoenas: Using or Objecting to Subpoenas to Obtain Testimony and Evidence", Strafford Live Webinar, April 11, 2017
- Panelist, "The Art of Schmoozing" New York City Bar, March 9, 2017
- Trainer, EEO and Harassment Awareness Training, CLH Management and Staff, March 8, 2017
- Speaker, "In-House Counsel & Attorney-Client Privilege: Know the Ethical Boundaries," National Constitution Center (Webinar/Teleconference), February 21, 2017.
- Guest Speaker, Fordham University Gabelli School of Business, Nonprofit Leadership Program, "Employment Law and Politics in the Workplace," February 6, 2017.
- Moderator, "Approaching LGBT Issues in Today's Workplace: Heightened Focus on Sexual Orientation, Gender Identity and Gender Expression Discrimination Claims," ACI's 25th National Conference on Employment Practices Liability Insurance, January 27, 2017
- Panelist, "Transitioning Workplace: The Extent to Which Title VII, the EEOC and State Law Extends to and Protects LGBTQ Employees," 12th Annual Employment Practices Liability Insurance ExecuSummit September 27, 2016
- Guest Lecturer, "How to Start and Build a Successful Law Practice," New York Law School, March 26, 2015
- Guest Lecturer, "How to Start and Build a Successful Law Practice," New York Law School, September 23-24, 2015

- Speaker, "In-House Counsel & Attorney-Client Privilege: Know the Ethical Boundaries," National Constitution Center (Webinar/Teleconference), July 9, 2015
- Guest Lecturer, "How to Start and Build a Successful Law Practice," New York Law School, March 26, 2015
- Speaker, "Proven Settlement Agreement Strategies: Keys to Reach an Enforceable Resolution," National Constitution Center (Webinar/Teleconference), June 11, 2014
- Speaker, "Major Changes to Rule 45 of the Federal Rules of Civil Procedure, How it Will Affect Your Practice," National Constitution Center (Webinar/Teleconference), May 15, 2014
- Speaker, "Employee Final Settlements: What You Can Do to Achieve Final Finality," Compliance Online (Webinar/Teleconference), April 28, 2014
- Speaker, "Working with Consultants: Protect Attorney-Client Privilege & Work Product," National Constitution Center (Webinar/Teleconference), April 17, 2014
- Speaker, "Rule 26 Amendments: Latest Changes for Expert Witness Discovery," National Constitution Center (Webinar), December 4, 2013
- Speaker, "Expert Discovery after Rule 26 Amendments: Lessons from Recent Cases," Strafford (Webinar/Teleconference), November 26, 2013
- Speaker, "Rule 45 Subpoenas: How to Handle the Upcoming Amendments," National Constitution Center (Webinar), November 7, 2013
- Speaker, "Rule 45 Third-Party Subpoenas," Strafford (Webinar/Teleconference), July 11, 2013
- Speaker, "Federal Courts Jurisdiction and Venue Clarification Act: One Year Later – Lessons Learned from Applying the New Jurisdiction and General Removal Procedures," Strafford (Webinar/Teleconference), February 20, 2013
- Speaker, "Daubert Standards for Expert Witness Testimony: Effective Strategies for Bringing and Defending Daubert Challenges," Strafford (Webinar/Teleconference), January 17, 2013
- Speaker, "New Federal Courts Jurisdiction and Venue Clarification Act: Navigating Significant Changes to Jurisdiction and General Removal Procedures," Strafford (Webinar/Teleconference), May 22, 2012
- Speaker, "Expert Witnesses: Attorney-Client Privilege and Work Product Protection," Strafford (Webinar/Teleconference), April 18, 2012
- Speaker, "New Federal Courts Jurisdiction and Venue Clarification Act: Navigating Significant Changes to Jurisdiction and General Removal Procedures," Strafford (Webinar/Teleconference), March 28, 2012
- Speaker, "Daubert Standards for Expert Witness Testimony: Effective Strategies for Bringing and Defending Daubert Challenges," Strafford (Webinar/Teleconference), January 18, 2012

- Speaker, "Diversity Jurisdiction and Removal to Federal Court: Applying the Supreme Court's Nerve Center Test to Complex Corporate Structures and Navigating Nuances of Removal," Strafford (Webinar/Teleconference), September 27, 2011
- Speaker, "Best Practices for Discovery Related to Government Investigations," E-discovery & Social Media: Winning Techniques, Rossdale Group (Teleconference), July 13, 2011
- Speaker, "Attorney—Client Privilege Challenges With Social Media and E-Communications: Effective Strategies for Preserving the Privilege and Maintaining Confidentiality," Strafford (Webinar/Teleconference), July 7, 2011
- Speaker, "Expert Witnesses: Attorney Client Privilege and Work-Product Protection," Strafford (Webinar/Teleconference), June 2, 2011
- Speaker, "Proportionality in E-Discovery/Emerging Strategies: Leveraging Proportionality Tools to Reduce E-Discovery Abuses and Expenses," Strafford (Webinar/Teleconference) (upcoming, May 11, 2011)
- Speaker, "Daubert Standards for Expert Witness Testimony: Effective Strategies for Bringing and Defending Daubert Challenges," Strafford Webinar/Teleconference (January 25, 2011)
- Panelist, "Maximizing Your Networking Efforts," New York City Bar Association (November 15, 2010)
- Speaker, "Expert Witnesses: Leveraging New Rule 26 Amendments -- Preserving Work Product Immunity for Expert Opinions and Reports," Strafford (Webinar/Teleconference) (November 10, 2010)
- Speaker, "Expert Witnesses: Leveraging New Rule 26 Amendments -- Preserving Work Product Immunity for Expert Opinions and Reports," Strafford (Webinar/Teleconference) (September 28, 2010)
- Speaker, "Skills Training: Closing Arguments," Seyfarth Shaw Video Conference (June 1, 2010)
- Speaker, "Preliminary Injunctions and TROs in Commercial Litigation: Strategies to Obtain or Oppose Emergency Motions," Strafford (Webinar/Teleconference) (April 1, 2010)
- Speaker, "ERISA Fiduciary Liability Insurance: Limiting Exposure for Breach of Duty Claims Negotiating the Policy, Overcoming Coverage Challenges, and Responding to Enforcement and Litigation," Strafford (Webinar/Teleconference) (December 22, 2009)
- Panelist, "International Law Firm Network," during International Corporate Practice: Ethical and Legal Considerations, The Penn Club (January 31, 2008)

### Publications

- Co-Editor, Worth Covering: News, Tips, and Thoughts for Professional Liability Carriers (FisherBroyles' Insurance Newsletter), Vol. 1, Issues 1-3, 2016
- Author, "You Snooze You Sometimes Lose: Court Enforces 6 Month Statute of Limitations with Respect to Section 1981 Claim But Not with Respect to Title VII Claim," in Worth Covering: News, Tips, and Thoughts for Professional Liability Carriers (FisherBroyles' Insurance Newsletter), Vol. 1, Issue 2, August 2016 (posted on PLUS Blog, August 31, 2016)
- Author, "EPL Breaking News!" in Worth Covering: News, Tips, and Thoughts for Professional Liability Carriers (FisherBroyles' Insurance Newsletter), Vol. 1, Issue 2, August 2016 (posted on PLUS Blog, August 23, 2016)
- Author, "Viability of 'Sexual Orientation' Discrimination Claims – Venue Driven?" in Worth Covering: News, Tips, and Thoughts for Professional Liability Carriers (FisherBroyles' Insurance Newsletter), Vol. 1, Issue 1, July 2016 (posted on PLUS Blog, August 8, 2016)
- Author, "Restrictive Covenants: Enforceable or Not Enforceable? That is the Question," V&F Blog, March 12, 2015
- Author, "And the Oscar Goes to . . . Prison," V&F Blog, October 27, 2014
- Author, "No Oscar for These Prosecutorial Tactics: Pistorius Cross Impermissible in U.S.," V&F Blog, July 31, 2014
- Contributing Editor, "New York," Covenants Not to Compete, A State-by-State Survey (Bloomberg BNA) (updated through 2013)
- Contributing Editor, "New York," Employee Duty of Loyalty, A State-by-State Survey (Bloomberg BNA) (updated through 2013)
- Author, "Managing the Legal Risks of a Telecommuting Workforce," Chapter in Aspatore Special Report: Understanding the Legal Risks of Telecommuting (Thomson Reuters/Aspatore 2013)
- Co-Author, "International Law Firm Network," Chapter 3 in International Corporate Practice: A Strategic Plan for Success, Cross Border Versus Global Choice, Civil Versus Common Law Jurisdiction (Practising Law Institute 2008) (updated through 2013)
- Co-Author, "Specific Corporate Compliance Challenges by Practice Area: ERISA," Chapter 35 in Corporate Compliance Practice Guide: The Next Generation of Compliance (Lexis 2009)
- Jonathan Evan Goldberg, Editing Assistant on Schlesinger, et al., "Federal Civil Procedure Before Trial 11th Circuit," Lawyers Cooperative Federal Practice Guide (West 1998)
- Jonathan Evan Goldberg, Reporter on Rules 704 and 705 in "The Evidence Project: Proposed Revisions to the Federal Rules of Evidence," 171 F.R.D. 330 (1997)

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- Lawrence W. Newman, Michael Burrows, Lalit K. Loomba & Jonathan Evan Goldberg, "Non-domestic' Awards and the New York Convention," New York Law Journal, July 29, 1996
- Lawrence W. Newman, Michael Burrows & Jonathan Evan Goldberg, "Dismissal under the Doctrine Of Forum Non Conveniens," New York Law Journal, May 31, 1996
- Lawrence W. Newman, Michael Burrows & Jonathan Evan Goldberg, "Letter Of Credit Disputes," New York Law Journal, March 29, 1996
- Lawrence W. Newman, Michael Burrows & Jonathan Evan Goldberg, "The Alien Tort Claims Act," New York Law Journal, December 29, 1995
- Lawrence W. Newman, Michael Burrows & Jonathan Evan Goldberg, "Gulf War Claims Against Iraq," New York Law Journal, November 29, 1995
- Lawrence W. Newman, Michael Burrows, David Zaslowsky & Jonathan Evan Goldberg, "Defenses To Payment of Foreign Debt," New York Law Journal, October 31, 1995
- Jonathan Evan Goldberg, "Now That The Future Has Arrived, Maybe The Law Should Take A Look: Multimedia Technology And Its Interaction With The Fair Use Doctrine," 44 AM. U. L. REV. 919 (1995)

## Awards

- NY1 New Yorker of the Week (May 23, 2008)
- Legal Aid Society Outstanding Pro Bono Service Award (2000)
- Legal Aid Society Outstanding Pro Bono Service Award (1999)