

BARRAN LIEBMAN^{LLP}

A T T O R N E Y S

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Richard Hunt focuses primarily on employment-related litigation on behalf of employers, management-side labor litigation where the opposing party is typically a labor organization, executive dispute litigation, defense of trust fund collections, and non-competition/trade secret litigation.

Richard's labor practice includes advising on labor contract administration issues and representing employers before labor arbitrators, the National Labor Relations Board, and the Oregon Employment Relations Board. In his employment law practice, Richard is an experienced litigator who has successfully represented clients before U.S. circuit, district, and state courts in Oregon, Washington, California, and Idaho, the Equal Employment Opportunity Commission, Oregon's Bureau of Labor and Industries,

and other state and federal agencies.

Richard earned his B.A. from Stanford University and his J.D. from the University of California at Berkeley School of Law, Boalt Hall, where he was the Law Review Associate Editor. Richard is admitted to practice law in Oregon, Washington, California and Idaho.

Representative Matters

Employment Litigation: Defending Employers

Representation of employers in defending discrimination, wrongful discharge and related employment claims.

Numerous cases resulting in summary judgment in favor of the employer or a negotiated settlement favorable to the employer.

Representation of employers in defending claims filed with or brought by the Equal Employment Opportunity Commission (EEOC) or state agencies, such as the Oregon Bureau of Labor and Industries (BOLI).

Litigation of contested case proceedings before state and federal agencies, including BOLI.

Labor Law Litigation

Commencement of lawsuits seeking damages from labor unions for violation of federal labor law brought on behalf of large employers, including general contractors and project developers, resulting in favorable outcome to the employer either in the form of a judgment or a significant monetary settlement paid by the union to the employer.

Non-Competition and Trade Secret Litigation

Numerous lawsuits filed on behalf of insurance carriers, stock brokerage firms, manufacturers, high tech employers and distribution companies to enforce non-competition, non-solicitation and confidentiality agreements.

Non-Competition and Trade Secret Litigation (continued)

Defense of employers and managers in litigation involving trade secrets, non-solicitation agreements and interference claims.

Litigation of claims under the Federal Computer Fraud and Abuse Act.

Counseling businesses and management on restrictive covenants regarding non-competition, non-solicitation and confidentiality.

Administrative Proceedings

Successfully represented employers in dozens of National Labor Relations Board (NLRB) hearings, including unfair labor practice charges, jurisdictional dispute hearings, and hearings challenging the outcome of an NLRB election.

Represented employers in the defense of EEO charge matters and state discrimination cases.

Represented employers in numerous arbitrations, including those involving employee discharge, contract interpretation issues, and defense of claims for unpaid compensation, overtime, or entitlement to benefits.

Handled numerous arbitrations for employers throughout the western states.

Wage and Hour Litigation

Representation of employers sued for alleged violation of state or federal wage and hour laws, including litigation brought by individuals, classes of individuals, or by the state or federal agencies responsible for wage and hour litigation.

Defense of Trust Fund Collection Lawsuits Filed by Trust Funds on behalf of Health & Welfare Trusts or Pension Trusts

Litigated and/or settled numerous lawsuits in trust collection cases.

Executive Dispute Litigation

Representation of employers in lawsuits directed at executives or departing executives who are in violation of their agreements.

Defense of companies hiring executives where issues are raised of alleged misappropriation of trade secrets and/or violation of non-competition/non-solicitation provisions. At times, the representation will also be on behalf of the departing executive.

TRO/Injunction Proceedings

Numerous lawsuits filed on behalf of employers seeking restraining orders and/or injunctions against departing employees.

Defense of companies and their executives in state and federal court proceedings in which a restraining order or injunction is sought against the company or one of its executives.

Representative Cases

Obtained judgment against departing employee who violated restrictive covenants. *Peterson Machinery Co. v. Gary Lee Cantrell*, U.S. District Court, District of Oregon, Civil No. 1:12-cv-00689-PA

Represented four investment advisors in noncompetition case who left Wells Fargo to join competing bank. *Wells Fargo Bank, N.A. v. Tinney, et al*, U.S. District Court, District of Oregon, Civil No. CV 11-399-JE

Representative Cases (continued)

Represented radio broadcasting company in non-solicitation and trade secrets case against competing broadcaster. *Entercom Communication Corp., et al v. Mahalic, et al*, U.S. District Court, District of Oregon, Civil No. CV 09-1050-HA

Obtained judgment for \$450,000 against union. *Hoffman Construction Company of Oregon v. Pacific Northwest Regional Council of the United Brotherhood of Carpenters and Joiners of America, et al*, U.S. District Court, District of Oregon, Civil No. CV 07-860-JO

Obtained verdict for damages and attorney’s fees against former employee and competing trucking organization. *Eagle Systems, Inc. v. Diana K. Black and E.T. Schmid Trucking*, U.S. District Court for the District of Oregon Case No. CV. 00-669-KI. 2001 WL 34041779; 2003 WL 683860

Obtained judgment against former insurance agent. *Farmers Insurance Exchange, et al v. Robert W. Fraley*, Circuit Court of the State of Oregon for the County of Wasco Case No. 17619, Oregon Court of Appeals No. A34868. 80 Or. App. 117, 720 P.2d 770 (1986)

Obtained judgment against former insurance agent. *Farmers Insurance Exchange, et al v. Steven D. Chamberlain*, Circuit Court of the State of Oregon for the County of Multnomah Case No. A8211-06768, Oregon Court of Appeals No. A31420. 77 Or. App. 245, 712 P.2d 172 (1986)

Obtained judgment against departing employee who violated restrictive covenants. *The Prudential Insurance Company of America v. Michael S. Jones*, U.S. District Court, Western District of Washington, Civil No. C93 478R

Areas of Practice

- Complex Employment-Related Commercial Litigation
- Contract Administration
- Employers in Healthcare
- Employment Law Advice & Litigation
- ERISA & Benefits Litigation
- Grievance Arbitrations
- Labor Relations Advice & Litigation
- Strikes, Pickets & Boycotts
- Subcontracting, Relocations & Closures
- Title IX Compliance Advice & Training
- Unfair Labor Practices
- Union Organizing & Union Elections

Representative Publications

- Editor of the Oregon State Bar’s “Advising Oregon Businesses” Volume 5, 2019 Revision
- “Addressing Additional Restrictions on Noncompetition Agreements,” *Daily Journal of Commerce*, May 22, 2019
- “Oregon Court Provides a Roadmap for Protecting Proprietary Information,” Barran Liebman Electronic Alert, May 23, 2019
- “Washington Rewrites the Law on Enforcement of Non-Competition Agreements,” Barran Liebman Electronic Alert, May 10, 2019

Representative Publications (continued)

- “Protections Available to Employers When Employees Leave,” *Cascade Business News*, June 15, 2016
- “Expanded Protections against Trade Secret Theft,” *Daily Journal of Commerce*, May 27, 2016
- “New Law Creates Federal Civic Cause of Action for Theft of Trade Secrets,” Barran Liebman Electronic Alert, May 12, 2016
- “To Sue or Not to Sue – A Tough Decision,” *Daily Journal of Commerce*, April 21, 2016
- “Changing Requirements for Noncompetition Agreements Entered into After January 1, 2016,” *Cascade Business News*, July 15, 2015
- “Non-compete Agreement: Voidable non-compete agreements may be enforceable,” *HR.com*, June 30, 2015
- “What to Do When an Employee Leaves and the Employer Suspects Electronically Stored Data Has Been Taken,” *Cascade Business News*, January 21, 2015; Republished on *OregonBusiness.com*
- “Noncompetition, Non-solicitation and Confidential Agreements,” *Daily Journal of Commerce*, November 28, 2014
- “When Employees Leave with Trade Secrets,” *Daily Journal of Commerce*, March 28, 2014
- “Restrictive Employment and Confidentiality Agreement,” *Cascade Business News*, February 20, 2013
- “Company Protection Deals Enforceable,” *Daily Journal of Commerce*, July 27, 2012
- “Recent Decisions,” Oregon State Bar Civil Rights Newsletter, Co-author, July 2008
- Form 50, “Noncompetition, Nonsolicitation and Nondisclosure Agreement,” for the Oregon State Bar “Advising Oregon Businesses” Forms Volume, 2010 Revision
- Form 50, “Noncompetition, Nonsolicitation and Nondisclosure Agreement” for the Oregon State Bar “Advising Oregon Businesses” Forms Volume, 2003 Revision
- “Trade Secrets, Non-Competes and Confidentiality Agreements: Enforcing Them to Your Advantage” Barran Liebman LLP Good Employer Guides, Author, 2000
- “Noncompetition Agreements in Oregon: Evaluating the Case” for the Oregon Association of Defense Counsel, 2007

Admitted to Practice

California

Idaho

Oregon

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Eastern Washington

U.S. District Court, District of Eastern California

U.S. District Court, District of Idaho

U.S. District Court, District of Northern California

U.S. District Court, District of Oregon

U.S. District Court, District of Western Washington

Washington

Academics

University of California at Berkeley, Boalt Hall School of Law (J.D., 1967): Associate Editor,
California Law Review

Stanford University (B.A., 1964)