

## Mark J. Neuberger

### Of Counsel

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Miami

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Mark Neuberger provides A to Z representation of management in all areas of employment law, including general labor and employment guidance to clients. He serves as co-chair of the firm's multidisciplinary Cannabis Industry Team and regularly advises companies both in and out of the cannabis industry on multitude of legal issues presented by legalization.

Mark regularly represents clients in the health care, hospitality, manufacturing and not-for-profit industries. In addition, Mark serves on Foley's national Pro Bono Legal Services Committee.

Mark represents employers in employment litigation matters before administrative agencies, such as the Equal Employment Opportunity Commission and National Labor Relations Board, arbitration tribunals, as well as state and federal trial and appellate courts. He has extensive experience negotiating collective bargaining agreements with unions. He also negotiates and drafts executive level employment agreements. He has litigated a wide variety of discrimination claims, whistleblower actions, wage payment and Fair Labor Standards Act cases. In addition, Mark drafts and litigates covenants not-to-compete and other employment-related restrictions. Mark also advises clients on a variety of business-related immigration issues, including audits of employers' compliance with immigration and labor regulations, preparation of employment-based immigrant visa petitions, preparation of investment and professional visas and labor certifications.

Prior to becoming an attorney, Mark worked for 10 years in the human resources department of a Fortune 100 corporation. Mark is a frequent speaker and trainer on various labor and employment-related topics. Clients frequently utilize Mark's practical experiences by retaining him to conduct in-house management training on a variety of employment-related topics.

### Representative Experience

- ***Fraga v. Prestige Cruise Services*** – After a jury trial, obtained a defense verdict on behalf of passenger cruise line in a claim under the Florida Whistle-blower's Act. Also obtained a judgment for

attorney's fees against the plaintiff.

- **Valley Forge Fabrics Inc. v. Deborah Haller** – Obtained a temporary injunction in Florida State Court against a former employee who is alleged to be in breach of various employment-related covenants. The temporary injunction issued by the court prevents her from selling fabric and related textile products to companies in the hospitality industry on a global basis.
- **Halifax Media Holdings LLC Acquisitions** – Represented Halifax Media Holdings LLC in the labor and employment aspects of their acquisition of The New York Times Company's Regional Media Group and the *Worcester Telegram & Gazette*. These were challenging transactions in which there were a variety of labor unions representing sellers' workforces.
- Represented employers in the manufacturing, healthcare and construction industries defense of a variety of OSHA citations.
- Represented anti-union bloggers to quash third party subpoenas issued by the United Auto Workers Union as part of that union's efforts to organize workers at the Volkswagen assembly plant in Chattanooga, Tennessee.
- Represented Sports Medicine North Orthopedic Surgery, Inc., and its affiliated ambulatory surgery center in their acquisition by Connecticut-based orthopedic and spine care management services organization Spire Orthopedic Partners, a portfolio company of Kohlberg & Co.

## Awards and Recognition

- In 2020, Mark was named a Distinguished Leader in the South Florida legal community by the Daily Business review, an American Lawyer publication.
- The Best Lawyers in America® – Employment Law – Management and Employment Litigation (2013-2023); Litigation – Labor and Employment (2019 – 2023)
- Mark received an award from the Burton Foundation, which recognizes clear and concise legal writing. He was given the award for his article, "Punching the Clock is Not So Simple," which appeared in the *National Law Journal*.
- In recognition of his experience, Mark has been peer review rated as AV Preeminent®, the highest performance rating in Martindale-Hubbell® Peer Review Ratings™.
- Mark has been honored as a Top Lawyer since the 2004 edition of the *South Florida Legal Guide*. He has been selected by his peers for inclusion in *The Best Lawyers in America*® in the fields of Employment Law – Management (2013 – 2024) and Litigation – Labor and Employment (2019 – 2024). He was also selected for inclusion to the 2018 Florida Super Lawyers list.
- Mark received an award from Dade County (Miami) Legal Aid in recognition for his efforts to advocate for child victims of human trafficking.

## Affiliations

- Member, Florida Bar Association
- Member, American Bar Association and its Labor and Employment Law and Health law Sections

## Community Involvement

Among his many *pro bono* activities, Mark serves as general counsel to the Coconut Grove Arts Festival, one of America's largest outdoor arts festivals held on the streets of Miami each Presidents' Day weekend.

## Presentations and Publications

- Quoted, "Marijuana Drug Test in Works; Could Be Relief for Employers," *Business Insurance* (October 23, 2019)

## Sectors

- Automotive
- Cannabis
- Health Care & Life Sciences
- Hospitality & Leisure
- Manufacturing
- Racial Justice & Equity
- Smart Manufacturing

## Practice Areas

- ADA & FMLA Compliance
- Discrimination, Harassment & Retaliation
- Immigration, Nationality & Consular Law
- Labor & Employment
- Labor & Employment Class Actions
- Litigation
- Post-Acute Care & Senior Housing
- Private Equity
- Transactions
- Union/Employer Matters
- Venture & Growth Capital
- eDiscovery & Data Management

## Education

- Duquesne University (J.D.)
- Cornell University (B.S.)

## Admissions

- Florida
- Pennsylvania
- U.S. Court of Appeals for the Eleventh Circuit