

Gary R. Clark

Partner / Chicago Labor and Employment Group Chair

Gary Clark's practice focuses on all areas of labor and employment law, particularly employment-related litigation. His experience includes defending class actions under ERISA, the FLSA, the ADA and Title VII as well as high stakes complex litigation, such as EEOC enforcement actions, whistleblower matters and unfair competition/trade secret misappropriation matters. Gary also serves as a trusted business advisor and provides daily counsel on employment matters for numerous clients, including a global IT consulting firm and various educational and non-profit institutions. Gary employs a results-oriented approach that emphasizes crafting creative legal solutions to meet business needs.

Some of Gary's recent experience includes:

- Defending against an EEOC enforcement action under the ADA challenging the termination and accommodation decisions for 134 employees.
- Defending a nationwide Title VII class action alleging pregnancy discrimination on disparate impact and disparate treatment theories with regard to company's job accommodation policies.
- Successfully obtaining injunctive relief against a departed sales executive and his new employer after the executive misappropriated confidential trade secret information.
- Conducting internal investigations and counseling multiple clients regarding employee whistleblower matters.
- Defending a restaurant chain in a class and collective action alleging failure to pay overtime and unlawful deductions in violation of the FLSA and state laws.
- Defending a financial institution against multi-state class and collective allegations that it violated the FLSA and state laws by misclassifying a mortgage loan officer position as exempt.
- Representing a global IT firm in enforcing a non-compete agreement with regard to the departure of a high level executive to join a competitor.
- Defending an ERISA breach of fiduciary duty class action claim at trial and on appeal in *Green et al. v. UPS Health and Welfare Package for Retired Employees*, 595 F.3d 734 (7th Cir. 2010).
- Defending a package delivery client against allegations it violated the FLSA and state laws by misclassifying a management trainee position as exempt where the class and collective allegations involved thousands of employees on a nationwide basis.
- Defending package delivery client in class and collective action lawsuit involving 150 employees claiming that time spent passing



gary.clark@quarles.com

Chicago Office

Tel: (312) 715-5040

Fax: (312) 632-1740

through security, changing into uniforms and walking should have been compensable time under the FLSA and state law.

- Obtaining summary judgment on retaliation claims in *Michael v. United Parcel Service Freight*, 2015 WL 3396678 (N.D. Ill. May 26, 2015), *Shaddock et al. v. United Parcel Service*, 2011 WL 4452210 (N.D. Ill. Sept 26, 2011) and *Hampton v. United Parcel Service*, 2010 WL 582789 (S.D. Ind. Feb. 12, 2010).
- Obtaining summary judgment in race discrimination case and successfully defending result on appeal in *Ellis v. United Parcel Service*, 523 F.3d 823 (7th Cir. 2008).
- Obtaining a defense verdict in a jury trial for a client accused of defamation, where the plaintiff was seeking \$3 million in damages.
- Defending against class action claims asserting that client was a "joint employer" responsible for alleged violations of the FLSA, state laws, and RICO involving the alleged failure to pay overtime and full wages due without deductions. Purported class involved more than 1,000 individuals and multiple states.
- Obtaining dismissal of retaliatory discharge whistleblower claim brought by former in-house counsel, and successfully defending result on appeal in *Ausman v. Arthur Andersen LLP*, 348 Ill. App. 3d 781 (2004).

Legal Services

- [Labor & Employment](#)
- [Trade Secrets and Unfair Competition](#)
- [Data Privacy & Security](#)
- [ERISA Litigation](#)
- [Financial Institutions Litigation](#)
- [Trade Secrets](#)

Education and Honors

- Washington University in St. Louis School of Law (J.D., 1997)
- Northwestern University (B.A., 1994)

Bar Admissions

- Illinois
- Tennessee

Court Admissions

- U.S. Court of Appeals, 7th Circuit, 2003
- U.S. District Court, Northern District of Illinois, 2000
- U.S. District Court, Western District of Tennessee, 1997
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Central District of Illinois

Professional Recognition

- Selected for inclusion in *Illinois Super Lawyers*® Super Lawyers Edition (2014–2016, 2020: Employment & Labor)
- Listed in Chambers USA (2018, 2019: Labor and Employment)
- Selected for inclusion in *Illinois Super Lawyers*® Rising Stars Edition (2008–2011: Employment & Labor)



Publications and Presentations

10/28/20

Time Off From Work For Voting Under Illinois Law

Labor and Employment

06/18/20

"Business Law Training: Navigating the New Normal: A Guide for In-House Counsel"

Quarles & Brady Seminar

06/04/20

Chicago's COVID-19 Anti-Retaliation Ordinance Impacts Employer Reopening Plans

Labor & Employment Alert

05/06/20

Open for Business? Navigating COVID-19's Impact on Reopening Businesses and Returning Employees to the Workplace

Quarles & Brady Seminar

01/15/20

Workplace Transparency Act Creates 2020 To-do List for Illinois Employers

Labor & Employment Alert

12/12/19

Business Law Training: What's Around the Corner? Eight Things We're Watching in Employment Law for 2020

Quarles & Brady Seminar

09/06/19

Ninth Circuit Rejects Article III Standing Argument for BIPA Claims

Labor & Employment/Data Privacy & Security Alert

07/09/19

Illinois Adopts Recreational Marijuana and New Employment Protections for Users

Labor & Employment Alert

06/19/19

"Illinois Law On Job Interview AI: What Employers Must Note"

Law 360

06/17/19

Illinois Restricts Use of AI in Interviews

Labor & Employment Alert

06/05/19

"Anticipating Potential Updates To Ill. Biometric Privacy Law"

Law 360

04/25/19

Illinois Introduces Bills to Amend BIPA Taking Away Private Right of Action and Adding ECGs

Safe & Sound Blog

04/23/19

"Complex ADA Issues in the Workplace"

Quarles & Brady Seminar

03/04/19

Employers Take Note: Illinois Minimum Wage Set to Increase in 2020

Labor & Employment Alert

02/14/19

New AZ Court Ruling - Employee Can Sue for Discrimination as a Marijuana Card Holder

Labor & Employment Alert

02/08/19

Illinois Supreme Court Confirms BIPA Floodgates Are Open

Labor & Employment Alert

11/12/18

New Amendments to Illinois Laws Keep Employers Busy

Labor & Employment Alert

12/20/17

Everything From The Obama Board Must Go! NLRB Majority Overturns Many Obama Board Decisions Prior to Chairman Phillip Miscimarra's Departure

Labor & Employment Alert

12/18/17

Bye, Bye Browning-Ferris: NLRB Overturns Browning-Ferris Joint Employer Standard

Labor & Employment Alert

10/23/17

The Floodgates Have Opened on Illinois Biometric Act Class Action Lawsuits

Labor & Employment Alert

09/12/17

DOL Overtime Rule Officially Struck Down, What To Expect Next

Labor & Employment Alert

06/12/17


Department of Labor Shifts Course on Joint Employment and Independent Contractor Classification

Labor & Employment Alert

02/14/17

Sorting Out the Facts: How the Trump Administration's Policy Shifts Affect Employers

Labor & Employment Alert



08/08/16

Illinois Right to Privacy Act Expanded and Clarified for Employers

Labor & Employment Alert

10/01/15

Data Privacy & Security Webinar Series | Employee Privacy Issues

07/02/15

Department of Labor Proposes Compensation Increases for Overtime Exemption Tests, Including \$50,440 Minimum Salary Basis

Labor & Employment Law Alert

05/07/15

"Whistleblowing Issues in the Health Care Industry"

Webinar

01/28/15

"Employee Privacy Issues: Dealing with a Variety of Challenging Situations"

Commercial Law WebAdvisor Webinar

07/18/14

New Illinois Bill Would Restrict Use of Criminal Background Checks

Labor & Employment Law Alert

07/17/14

Illinois Bill Will Require Employers to Accommodate Pregnant Employees

Labor & Employment Law Alert

01/01/13

"Strategies for Employment Class and Collective Actions"

Inside the Minds Series

04/25/11

Federal Court Recognizes Employer's Right to Modify Retiree Insurance Benefits

Labor & Employment Law Alert