



Contact

Steven J. Pearlman

Partner

Chicago

+1.312.962.3545

spearlman@proskauer.com

Steven J. Pearlman is a partner in the Labor & Employment Law Department, where he is Head of the Restrictive Covenants, Trade Secrets & Unfair Competition Group and Co-Head of the Whistleblowing & Retaliation Group.

Employment, Restrictive Covenant & Trade Secret, and Whistleblower

Practice. Steven's national practice focuses on defending companies in federal and state courts and in arbitration fora against the full spectrum of employment-related claims, including claims of high-level executives; whistleblower retaliation under the Sarbanes-Oxley Act, the Dodd-Frank Act and similar state laws; restrictive covenant violations; employee raiding; theft of trade secrets; and wage-and-hour violations, including class, collective and PAGA actions.

Steven has successfully handled trials in multiple jurisdictions; prevailed in seeking and defending against applications for temporary restraining orders and preliminary injunctions in restrictive covenant and trade secret cases; defended one of the largest Illinois-only class actions in the history of the federal courts in Illinois (over 90k putative class members); and prevailed following his oral arguments before federal and state appellate courts. He brings his litigation experience (beginning in 1998) to bear in counseling clients to minimize risk and avoid or prepare for success in litigation.

Investigations. Reporting to boards of directors, their audit committees, CEOs and in-house counsel, Steven conducts sensitive investigations and has the unusual experience of testifying in federal court in connection with investigations. His investigations have involved complaints of sexual harassment involving C-suite officers; systemic violations of employment laws and company policies; and fraud, compliance failures and unethical conduct.

Thought Leadership and Accolades. Steven was named Lawyer of the Year for Chicago Labor & Employment Litigation in the 2023 edition of The Best Lawyers in America. He is a Fellow of the College of Labor and Employment Lawyers. Chambers has reported:

- *Steven is “one of the best in the country and has a lot of experience”;*
- *Steven is as an “outstanding lawyer” who is “very sharp and very responsive,” a “strong advocate,” and an “expert in his field”;* and
- *“He is someone who can navigate the twists and turns of litigation without difficulty.”*

Steven was 1 of 12 individuals selected by *Compliance Week* as a “Top Mind.” Earlier in his career, he was 1 of 5 U.S. lawyers selected by *Law360* as a “Rising Star Under 40” in the area of employment law and 1 of “40 Illinois Attorneys Under Forty to Watch” selected by *Law Bulletin Publishing Company*. Steven is a U.S. Library of Congress Burton Award Winner for “Distinguished Legal Writing.”

Steven was appointed to *Law360*’s Employment Editorial Advisory Board and selected as a Contributor to *Forbes.com*. He has appeared on Bloomberg News (television and radio) and Yahoo! Finance, and is often quoted in leading publications such as *The Wall Street Journal*. The U.S. Chamber of Commerce has engaged Steven to serve as lead counsel on *amicus* briefs to the U.S. Supreme Court and federal circuit courts of appeal.

In 2024, Steven received the Excellence in *Pro Bono* Service Award from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association.

Matters

Representative Matters

- In the restrictive covenant and trade secret arena: secured one of the few *ex parte* seizure orders that have been issued under the Defend Trade Secrets Act; obtained an order reducing a non-competition agreement to one-third of its original duration; obtained a world-wide injunction in federal litigation against a high-level executive who jumped ship to a competitor; and obtained injunctions against other executives.
- In the whistleblower retaliation arena: defended claims before state and federal courts and at all levels of the U.S. Department of Labor (OSHA, OALJ and the ARB).
- *Cage v. Harper, et al.* (7th Cir.) (affirming dismissal of due process and First Amendment whistleblower retaliation claims)
- *Schwendeman, et al. v. Cross Country Staffing, Inc., et al.* (Cal. Ct. App., 1st Dist.) (affirming order extending coverage of arbitration agreement to non-signatory on equitable estoppel grounds)
- *Schwartz, et al. v. UBS Financial Services* (N.D. Ill.) (defense of putative nationwide Fair Credit Reporting Act class action)
- *Rodriguez, et al. v. Sprint Corporation, et al.* (N.D. Ill.) (defense of putative nationwide Fair Credit Reporting Act class action)
- *Creighton, et al. v. Metropolitan Life Insurance Co.* (S.D.N.Y.) (defense of putative nationwide race-based disparate impact discrimination class action brought by financial advisors)
- *Calibuso, et al. v. Bank of America, et al.*, 299 F.R.D. 359 (S.D.N.Y.) (defense of putative nationwide gender discrimination class action brought by financial advisors)
- *Arrez, et al. v. Kelly Services, Inc.* (N.D. Ill.) (defense of putative state-wide class action involving first-impression issues under Illinois Day and Temporary Labor Services Act and Illinois Wage Payment and Collection Act; putative class size > 95,000)
- *Boyd, et al. v. Alutiiq Global Solutions, LLC* (N.D. Ill.) (defeated motion for nationwide collective action certification)

- *Williamson, et al. v. United Air Lines, Inc.* (S.D. Ind.) (defense of putative class action alleging WARN Act violations; putative class size > 900)
- *Filipowski v. SilkRoad Technology, Inc.* (Cook County, IL) (defense of former CEO's claims for breach of employment contract)
- *Cox, et al. v. Flair Corp. of Ocala* [subsidiary of SPX Corp.] (defense verdict in multi-plaintiff jury trial involving race discrimination claims; affirmed by 11th Circuit)
- *Cobbs, et al. v. Mid City* [subsidiary of Beauty Alliance] (N.D. Ill.) (defense verdict on first plaintiff's sexual harassment and retaliation claims and mistrial on second plaintiff's claim)
- *Fleishman v. Continental Casualty Co.* (N.D. Ill.) (7th Cir.) (summary judgment on internal counsel's age and disability discrimination claims; affirmed on appeal)
- *Reed, et al. v. Freedom Mortgage Corp.*, 869 F.3d 543 (N.D. Ill.) (7th Cir.) (affirming order granting summary judgment on employment discrimination claims)
- *McShane v. Chemtrade Solutions LLC* (Somerset Cty., NJ) (defense of antitrust whistleblower claims under NJ CEPA); *McShane v. Reichl, et al.*, (Cook County, IL) (defense of qui tam claims under Chicago False Claims Act); *McShane v. Reichl, et al.* (defense of qui tam claims under Illinois False Claims Act)
- *Rimini v. J.P Morgan Securities* (D. Mass.) (1st Cir.) (dismissal of SOX whistleblower claim)
- *Mart v. Berkshire Hathaway Inc., et al.* (N.D. Ind.) (dismissal of SOX whistleblower claim against corporate defendants and top executive)
- *Schlicksup v. Caterpillar, Inc., et al.* (C.D. Ill.) (defense of SOX whistleblower claims against company and top executives)
- *Simkus v. United Airlines* (N.D. Ill.) (dismissal of SOX whistleblower claim)
- *DuBose v. PepsiCo, Inc., et al.* (Cook Cty, IL) (dismissal of retaliatory discharge complaint)

Practices

Whistleblowing & Retaliation, Class & Collective Actions, Employment Litigation, Restrictive Covenants, Trade Secrets & Unfair Competition, Wage and Hour, Higher Education and Title IX, Discrimination, Harassment & Title VII

Industries

Financial Services, Private Capital

Market Solutions

Corporate Governance

Education

University of California, Los Angeles, School of Law, J.D.

University of Illinois at Urbana-Champaign, B.A.

Admissions & Qualifications

California

Illinois

Court Admissions

Supreme Court of California

Supreme Court of Illinois

Supreme Court of the United States

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, First Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. District Court, California, Central District

U.S. District Court, Florida, Northern District

U.S. District Court, Illinois, Central District

U.S. District Court, Illinois, Northern District

U.S. District Court, Illinois, Southern District

U.S. District Court, Michigan, Eastern District

Memberships

Society of Corporate Compliance & Ethics
Society of Corporate Secretaries and Governance Professionals
Anti-Defamation League (Co-Chair of Civil Rights Committee for the Greater Chicago / Upper Midwest Region, Executive Committee, Washington Affairs Committee, Advisory Board of Directors); Leadership 2020 initiative
Illinois Bar Association
Chicago Bar Association
Economic Club of Chicago

Awards & Recognition

Best Lawyers in America "Lawyer of the Year" 2023
Best Lawyers in America 2020-2024
Fellows of the College of Labor & Employment Lawyers 2020
Chambers USA: Illinois: Labor & Employment 2017-2025
The Legal 500 United States: Litigation: Trade Secrets 2021
The Legal 500 United States: Labor & Employment: Labor and Employment Litigation 2014, 2017-2018
The Legal 500 United States: Labor & Employment: Disputes (including Collective Actions): Defense 2019-2020
The Legal 500 United States: Labor & Employment: Labor Management Relations 2019
Illinois Super Lawyers: Employment Litigation: Defense 2014-2019
Burton Award for "Distinguished Legal Writing" 2014
Ethisphere's 2015 Attorneys Who Matter: Labor and Employment
Ethisphere's 2014 Attorneys Who Matter: Labor and Employment: Top Gun
Ethisphere's 2013 Attorneys Who Matter: Labor and Employment
Law 360 "Rising Star Under 40"
Law Bulletin Publishing Company "40 Illinois Attorneys Under Forty to Watch"
Benchmark Litigation Labor & Employment Stars 2019, 2024