



## Brett Myers

### **PARTNER**

Dallas

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Brett Myers is Board Certified by the Texas Board of Legal Specialization in both Civil Trial Law and Labor and Employment Law. Brett routinely guides businesses through a variety of matters, including:

- Employment litigation, including statutory claims and employment contracts
- Noncompetition provisions and protection of proprietary information
- Wage and hour disputes
- Employment policies and risk avoidance practices
- Investigation of employee misconduct

Additionally, Brett has experience with intellectual property and appellate matters.

Prior to joining Wick Phillips, Brett was a partner at Fox Rothschild and a shareholder at David & Goodman, P.C. While in law school, Brett served as editor-in-chief of the Arkansas Law Review.

### **Articles**

- Author, DOL Withdraws Informal Guidance on Joint Employment and Independent Contractor Status, June 2017

### **Awards & Honors**

- The Best Lawyers in America®, *U.S. News* (2020-2021)
- Texas Super Lawyers, *Texas Monthly* (2006, 2010-2020)
- Texas' Best Lawyers® (2020)
- Board Certified, Civil Trial Law, Texas Board of Legal Specialization
- Board Certified, Labor and Employment Law, Texas Board of Legal Specialization
- Best Lawyers in Dallas, *D Magazine* (2014)

### **Representative Matters<sup>1</sup>**

#### *Trial experience*

- Robert D. Bergeron v. DFW Airport Board, U.S. District Court, Northern District of Texas (Dallas County), Honorable David Godbey presiding.

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<sup>1</sup> All matters handled prior to joining Wick Phillips.



- Avis Rent-a-Car v. Paul Katz, County Court No. 5 (Dallas County), Honorable Mark Greenberg presiding.
- Ronnie Lanier et al. v. Eastern Foundations, Inc. et al., County Court No. 2 (Dallas County), Honorable King Fifer presiding.
- Prestonwood Market Square v. Guatam Daftary et al., County Court No. 4 (Dallas County), Honorable Ken Tapscott presiding.
- Perales v. Lone Wolf Resources, 37th District Court (Mitchell County), Honorable Glen Harrison presiding.
- Bourgeois v. Toshiba America Medical Systems, 160th District Court (Dallas County), Honorable Joe Cox presiding.
- Sullivan v. Spyglass Hill, 73rd District Court (Bexar County), Honorable Andy Merales presiding.
- Hennig v. International Paper Company, County Court No. 4 (Dallas County), Honorable Bruce Woody presiding.
- Racetrac v. Longfellow, Probate Court No. 1 (Tarrant County), Honorable Steve King presiding.
- Kirby v. Scott, 386th District Court (Rockwall County), Honorable Brett Hall presiding.
- Acker v. deBoer, U.S. District Court, Northern District of Texas (Dallas County), Honorable Jerry Buchmeyer presiding.
- Lassetter v. Strategic Materials, U.S. District Court, Northern District of Texas (Dallas County), Honorable Barbara Lynn presiding.
- First Western SBLC v. Collin Creek Holding Co., 380th District Court (Collin County), Honorable Charles Sandoval presiding.
- Sunburst Hospitality Corporation v. VIP Lodging, Inc., 67th District Court (Tarrant County), Honorable Don Cosby presiding.
- Jefferson Bank v. BMD, 193rd District Court (Dallas County), Honorable Carl Ginsberg presiding.
- McClenic v. Graham, 68th District Court (Dallas County), Honorable Martin Hoffman presiding.
- S Rental Properties v. Enchiladas Northwest, Inc., 192nd District Court (Dallas County), Honorable Craig Smith presiding.
- Robert Newhouse, Trustee, v. Wes-Tech Logistics, U.S. Bankruptcy Court, Northern District of Texas (Dallas Division), Honorable Harlan Hale presiding.
- 2-16 Holdings, Inc., Dallas Moving & Storage, Inc. and Michael Byboth v. Wood Limited Partnership, AMS Staff Leasing, Inc. and Charles D. Wood, 296th District Court (Collin County), Honorable John Roach Jr. presiding.
- Bayer MaterialScience LLC v. Brian McCrary, County Court No. 1 (Rockwall County), Honorable David Rakow presiding.
- Fatimah Ali et al. v. Stacy Murillo, County Court No. 3 (Tarrant County), Honorable Vincent Sprinkle presiding.
- Warner Alan Properties, LLC and Warner Alan/Westcliff, Ltd. v. Paciwest, Inc., 96th District Court (Tarrant County), Honorable Jeff Walker presiding.
- Steven Landers v. Wasco Products, Inc., 48<sup>th</sup> District Court (Tarrant County), Honorable David Evans presiding.
- Deaf Interpreter Services v. Webbco Enterprises, LLC, U.S. District Court, Western District of Texas (Bexar County), Honorable Royce Lambeth Presiding.



- Quantum Fitness v. Comm-Fit, L.P., 165<sup>th</sup> District Court (Harris County), Honorable Debra Ybarra Mayfield presiding.
- Compass Well Services v. Foreland Operating, 439<sup>th</sup> District Court (Rockwall County), Honorable David Rakow presiding.
- Crouch v. The Lane Construction Corporation, 153<sup>rd</sup> District Court (Tarrant County), Honorable Ken Curry presiding.
- Oswald v. Baumgardner Funeral Home, 67<sup>th</sup> District Court (Tarrant County), Honorable Don Cosby presiding.

#### *Other Matters*

- Obtained administrative order following two-day bench trial reinstating postal worker with full back pay and damages after postal worker had been illegally discharged in retaliation for complaining about racial discrimination.
- Won summary judgment on behalf of employer in Section 451 claim under the Texas Workers' Compensation Act (prohibiting retaliation against employees who seek benefits in good faith).
- Defended employer of former employees against claims of misappropriation of trade secrets and unfair competition by former employer through temporary injunction hearing resulting in favorable resolution.
- Obtained favorable resolution on behalf of national sales director following temporary injunction hearing based on allegations from former employer that national sales director had stolen and misappropriated trade secrets.
- Briefed and argued multiple appeals before the U.S. Court of Appeals for the Fifth Circuit, the Second Court of Appeals, Fort Worth and the Fifth Court of Appeals, Dallas.
- Secured temporary injunction on behalf of employer protecting employer's confidential and proprietary trade secrets from disclosure to competing business that hired former employee.
- Successfully represented software company in arbitration proceedings against former client's claims that software company failed to deliver working version of unique software package to former client.
- Prevailed at arbitration and recovered executive severance package for former president of global golf resort development company following former president's wrongful termination.
- Successfully negotiated on behalf of employer against U.S. Department of Labor resolving claim by DOL that employer failed to pay overtime to employees.
- Multiple appearances on behalf of employers contesting claims by former employees for unemployment benefits.
- Defended employer against claims by former independent contractor that independent contractor should have been classified as employee and entitled to benefits of employment.
- Successfully represented special agent alleging race discrimination in federal sector Equal Employment Opportunity administrative trial and through all appeals to the Equal Employment Opportunity Commission in Washington, D.C.
- Successfully represented Immigration and Customs Enforcement special agent alleging retaliation in federal sector Equal Employment Opportunity administrative trial and through all appeals to the Equal Employment Opportunity Commission in Washington, D.C.
- Successfully represented whistleblower against Department of Health and Human Services before Merit Systems Protection Board.



- Drafted employment policies and procedures by creating employment handbooks for small, medium and large employers needing to comply with federal and state laws impacting the employment relationship, including OFCCP, anti-harassment, anti-drug, disability and medical leave requirements, employee privacy and employment benefits.
- Drafted numerous high-level executive compensation agreements to secure retention of key employees and protect intellectual property.
- Conducted numerous investigations into allegations of employee wrongdoing.
- Consulted and advised employers regarding immigration issues and proper documentation of employees.

#### *Reported Decisions*

- *Farone v. Bag'n Baggage, Ltd.*, 165 S.W.3d 795 (Tex. App.-Eastland 2005)
- *McNeilus Companies, Inc. v. Sams*, 971 S.W.2d 507 (Tex. App.-Dallas 1997)
- *Acker v. Deboer, Inc.*, Slip Copy, 2006 WL 1489265 (N.D. Tex., May 24, 2006)
- *Acker v. Deboer, Inc.*, 429 F.Supp.2d 828 (N.D. Tex. 2006)
- *Halliburton Energy Services, Inc. v. Fleet Nat. Bank f/k/a Summit Bank*, 334 F.Supp.2d 930 (S.D. Tex. 2004)
- *Lassetter v. Strategic Materials, Inc.*, 192 F.Supp.2d 698 (N.D. Tex. 2002)
- *Kastor v. Sam's Wholesale Club*, 131 F.Supp.2d 862 (N.D. Tex. 2001)
- *Steele v. SGS-Thomson Microelectronics, Inc.*, 962 F.Supp. 972 (N.D. Tex. 1997)

#### **All Practice Areas**

- Labor and Employment

#### **Education**

- University of Arkansas (J.D., with honors, 1993)
- University of North Carolina at Chapel Hill (B.A., 1990)

#### **Admissions**

- Arkansas
- Texas
- United States District Court for the Northern, Southern, Eastern and Western Districts of Texas
- United States District Court, District of Colorado
- United States Bankruptcy Court for the Northern, Southern, Eastern and Western Districts of Texas
- United States Court of Appeals for the Fifth and Eighth Circuits
- United States Supreme Court