



MARK A. ROMEO

PARTNER

ORANGE COUNTY
mromeo@crowell.com
Phone: 949.798.1316
Fax: 949.263.8414
3 Park Plaza
Irvine, CA 92614-8505

PRACTICES

- Labor & Employment
- Litigation & Trial
- Commercial Litigation
- Trade Secrets
- Construction

Mark Romeo is a partner with the firm and a member of the Labor & Employment Group, as well as the firm's Litigation Group.

Mr. Romeo is a trial lawyer, but spends a significant amount of time advising and counseling clients in a variety of industries such as semi-conductors, securities, radio, live entertainment, construction, communications, medical device, and transportation.

Mr. Romeo has extensive experience, including several trials, representing companies in class action litigation and litigation generally in the areas of:

- Trade secrets/Lanham Act/State unfair competition, including Electronically Stored Information and related discovery issues;
- Computer Fraud and Abuse Act;
- Breach of Fiduciary Duty;
- Wage/Hour
- Wrongful termination;
- Discrimination;
- Sexual harassment;
- Misclassification of employees/independent contractors;
- Reductions-in-force;
- Executive compensation; and
- RICO.

Mr. Romeo's representative clients have included:

- AT&T Mobility, LLC
- Clear Channel Communications (NYSE: CCO)
- SFX Entertainment, Inc.

- Skyworks Solutions, Inc. (NASDAQ: SKWKS)
- Fidelity National Financial, Inc.(NYSE: FNF)
- Men's Wearhouse, Inc. (NYSE: MW)
- Cingular Wireless, LLC
- LG Electronics MobileComm USA, Inc.

Mr. Romeo has successfully represented numerous other private and public companies and individuals, at trial and in various administrative settings, in a number of state and federal courts across the United States. This includes, but is not limited to, litigating against the Department of Labor (DOL), the California Labor Commissioner, the Equal Employment Opportunity Commission, and the Department of Fair Employment and Housing, as well as private plaintiffs.

Mr. Romeo also regularly advises and represents clients in connection with: DOL/state agency-based audits; Trade Secret/IP audits; best practices regarding Electronically Stored Information; drafting executive employment/compensation agreements; drafting employee handbooks, policies and codes of conduct; and conducting internal investigations. Mr. Romeo is considered to be a thought-leader on Alternative Fee Arrangements (AFAs).

Some of Mr. Romeo's recent successes are as follows:

Class Actions:

- Defeated collective action alleging violations of California wage and hour laws for government contracting client by raising the "federal enclave doctrine;" the determination that the property on which the alleged violations of California wage and hour law occurred was a fact-intensive inquiry, and was achieved through unconventional research from scratch; the doctrine was utilized not only as a basis on which to remove the action to federal court (from Los Angeles Superior Court), but also to dismiss the entire collective action. Client avoided millions of dollars in alleged back pay and other liability.
- Achieved full dismissal of putative wage and hour class action case by convincing the opposing sets of lawyers that there were no meal and/or rest break allegations that could be pursued as a class action given the strength of existing company policies, and given existence of an internal taskforce that ensures meal and rest breaks are taken within the various retail stores. The dismissal was achieved within only a few weeks of the case being filed.
- Successfully moved to preclude Plaintiff from seeking class certification due to failure to abide by local rules regarding timing of class certification motions.
- Represented employer doing business in all states in wage and hour class action. Successfully moved to compel "trial plan" which ultimately proved to Court that case could not be tried as a class action. Case settled shortly thereafter on very favorable terms to employer.
- Achieved dismissal of nationwide putative discrimination class action after putting in place plan to curb discovery to plaintiff's particular worksite, which resulted in the named plaintiffs' inability to establish a

nationwide policy of discrimination; case was voluntarily dismissed shortly thereafter for a mutual waiver of fees and costs.

Trade Secrets:

- Successfully won motion to dismiss for lack of personal jurisdiction in the Eastern District of Pennsylvania in trade secrets case after 5-day evidentiary hearing, with direct and cross-examination of key witnesses on both sides.
- Achieved summary judgment dismissing entire trade secrets case on statute of limitations grounds.
- Won motion for judgment on the pleadings on grounds of preemption by the Uniform Trade Secrets Act.
- Successfully negotiated resolution of usurpation of corporate opportunity case involving former fiduciary of client who left to start up a competing business.
- Achieved "no hire" agreement for client in context of key competitors soliciting client's employees.
- Achieved seven figure settlement on behalf of plaintiff in a trade secret and breach of fiduciary case on the "courthouse" steps two days from trial in federal court in Orange County, California.

DOL/DLSE/Wage & Hour/Investigations:

- Extensive experience in representing clients before the DOL, before both DOL investigators and negotiations with Solicitors; recently, represented government contractor in case brought by DOL (and investigated in several regional offices), achieving a nominal settlement after extensive investigation by DOL. Exposure was in the low seven figures.
- Achieved a withdrawal of investigation of company-wide operations on exemption classifications before California Department of Labor Standards Enforcement, after working with client to lay out detailed basis for position to demonstrate compliance with state law.
- Achieved successful end to discrimination/harassment case after extensive investigation and written report in case brought against key executive of client.

Prior to joining Crowell & Moring, Mr. Romeo was a partner at Pillsbury, Winthrop, Shaw Pittman, LLC, and an attorney with Brobeck Phleger & Harrison LLP and Littler Mendelson, P.C.

Admissions/Affiliations

Admitted to practice: California

Education

- University of Southern California, B.S. finance (1988)
- University of San Francisco School of Law, J.D. (1994)