

Michael P. Avila

Partner

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Service Focus

- Employee Defection and Trade Secrets
- Employment Discrimination and Harassment
- International
- Litigation and Trials

Industry Focus

- Energy

Overview

Michael Avila is an international employment and trade secrets attorney. Working with business interests around the globe, Mike routinely litigates and advises on issues surrounding trade secret business information and restrictive covenant agreements. His practice also includes domestic and cross-border employment litigation, counseling, and internal investigations. Further, Mike regularly leverages his counseling and litigation experience to conduct pre-acquisition due diligence and negotiations surrounding human capital matters, in the context of mergers and acquisitions.

Trade Secrets, Restrictive Covenants, and Unfair Competition

Mike has prosecuted and opposed numerous matters involving emergency applications for injunctive relief, including temporary restraining orders and preliminary injunctions. He has litigated such matters in dozens of U.S. states, as well as in jurisdictions across the Americas and the EMEA region. These cases typically concern the misappropriation of trade secrets, covenants not to compete, non-disclosure agreements, and other forms of unfair competition.

Along with his litigation practice, Mike assists clients with drafting restrictive covenants and developing programs to protect their competitive assets against employee defections. He also helps

clients analyze and negotiate restrictive covenants and executive employment agreements in connection with mergers and acquisitions.

International Counseling and Litigation

Mike regularly helps clients navigate employment disputes on a national and international basis, including throughout the Americas, Europe, Africa, and Asia. These matters include claims of breach of contract, discrimination, and wage payment violations.

Mike also counsels U.S. employers concerning the legal implications of hiring and managing employees internationally, including in some of the world's most challenging legal jurisdictions. This includes helping employers navigate workplace realities outside of the U.S. and developing jurisdiction-specific policy, contract, and wage-payment regimes.

In addition, clients frequently call upon Mike to lead domestic and cross-border investigations surrounding internal employee complaints and whistleblowing scenarios.

Representative Clients

Mike enjoys representing clients of all sizes and structures, from early-stage ventures to publicly traded companies. His industry experience includes life sciences, insurance, financial services, commercial software, and government contractors, including for-profit and non-profit international NGOs.

Recent Experience

Experience

Restrictive Covenant Litigation and Competitive Hire Counseling

- Secured Temporary Restraining Order, Preliminary Injunction, and successful trial outcome on behalf of global healthcare software client.
- Successfully represented insurance brokerage client in dueling cross-border trade secrets and breach of contract actions.
- On behalf of global clinical trials client, defeated action for temporary restraining order and preliminary injunction, in connection with the recruitment of key personnel from a competitor.
- Drafted and negotiated myriad Key Employee and Executive Employment Agreements in connection with multiple consolidation-focused clients' acquisitions.
- Advised several private equity clients regarding the assignability and sufficiency of target entities' existing restrictive covenants and Key Employee Agreements.

International Employment Counseling

- Following the acquisition of a competitor, assisted global engineering firm in the integration of payroll and employment law compliance practices across multiple EMEA and APAC jurisdictions.
- Conducted pre-acquisition diligence regarding target's global outsourced labor practices and related contractual obligations.
- Conducted multiple internal whistleblower and procurement fraud investigations across EMEA and APAC regions for International NGOs.
- Successfully resolved wrongful dismissal and breach of employment agreement claims in numerous foreign jurisdictions, including Brazil, Costa Rica, and South Africa.
- Negotiated multiple outsourced labor contracts across jurisdictions in Africa, Central America, and Asia.

Domestic Employment Counseling and Litigation

- Obtained complete defense award from a Financial Industry Regulatory Authority ("FINRA") arbitration panel, on behalf of a national broker-dealer, in a dispute with its former registered representative.
- Conducted pre-acquisition diligence regarding Human Resources and Employee Benefits practices for myriad targets on behalf of national veterinary medicine and food safety clients.
- On behalf of an infrastructure maintenance client, secured summary dismissal of multiple employment discrimination actions.

Credentials

Education

- J.D., Villanova University School of Law
- B.S., Pennsylvania State University

Bar Admissions

- Pennsylvania
- New Jersey
- District of Columbia

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of Arkansas

- U.S. District Court for the Western District of Arkansas

Recognitions

- *Pennsylvania Super Lawyers* – Rising Stars, since 2015
- Listed as a 2018 Lawyer on the Fast Track by the *Legal Intelligencer*

Affiliations

Professional Activities

- Member, Pennsylvania Bar Association
- Member, American Bar Association
- Member, Philadelphia Bar Association
- Member, Delaware County Bar Association
- Member, Association Internationale des Jeunes Avocats – International Association of Young Lawyers
- Co-Chair of the Restrictive Covenants Sub-Committee of the ABA’s Business Torts & Unfair Competition Committee

Insights

EVENT

11/16/23

Restrictive Covenants and Non-Competes in Canada and the U.S.

Christopher P. Stief, Michael P. Avila

[Read more →](#)

EVENT

Thursday, September 21, 2023 and Tuesday, September 26, 2023

Restrictive Covenants and Trade Secrets in the Post-Pandemic World

Michael P. Avila, Barbara Jean D’Aquila, Michael P. Elkon, Andrew Froman, Rick Grimaldi, Kathleen Laubenstein, Christopher P. Stief, Robert Yonowitz

[Read more →](#)

EVENT

06/29/23

The Future of Noncompetes – A Transatlantic Perspective

Michael P. Avila, Christopher P. Stief, William D. Wright

[Read more →](#)

PUBLICATION

12/15/21

Fisher Phillips Partner Breaks Down Illinois' New Law Restricting Noncompete Agreements

Michael P. Avila

[Read more →](#)

EVENT

04/01/21

International Remote Work In The COVID-19 Era

Michael P. Avila

[Read more →](#)

PODCASTS

12/02/20

Atypical Worker Restraints and Beyond: Protecting Confidential Information and other Business Interests in Atypical Worker, Independent Contractor, Shareholder and Franchise Relationships

Michael P. Avila

[Read more →](#)

NEWS

04/20/20

Fisher Phillips Provides Employers with Post-Pandemic Back-to-Business FAQs

Michael P. Avila, Davis C. Bae, Cheryl L. Behymer, Steven M. Bernstein, Risa B. Boerner, Caroline J. Brown, J. Randall Coffey, Laurel K. Cornell, Myra K. Creighton, Meghan Delaney, Benjamin M. Ebbink, Michael P. Elkon, Rick Grimaldi, Marty Heller, Nicholas S. Hulse, Todd B. Logsdon, Reyburn W. Lominack III, Todd A. Lyon, Howard A. Mavity, Richard R. Meneghello, Samantha J. Monsees, Cheryl Pinarchick, Robert M. Robenalt, Andria Lure Ryan, Jennifer B. Sandberg, Nan Sato, Shanon R. Stevenson, J. Hagood Tighe, A. Kevin Troutman, Danielle S. Urban, Travis Vance, William D. Wright

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EVENT

04/02/20

Cross Border Employment When the Borders are Closed

Michael P. Avila, Nan Sato, William D. Wright

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NEWS

12/20/19

Fisher Phillips Elects 17 New Partners Spanning 16 Offices Across the Country

Juan C. Araneda, Michael P. Avila, Samantha Sherwood Bononno, Christopher Conti, Melissa A. Dials, Benjamin M. Ebbink, Marty Heller, Jason D. Keck, LaKisha M. Kinsey-Sallis, Heather Zalar Steele, Colleen P. Tandy, Megan Reese U'Sellis, Ryan D. Wheeler

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INSIGHTS

07/09/19

Hong Kong Court of Final Appeal Expands Spousal Benefits Rights for Same-Sex Couples

Michael P. Avila

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