

**Brian J. Gershengorn**  
*Co-Regional Managing Partner*

New York

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***Service Focus***

- California Litigation and Appellate
- Litigation and Trials
- Wage and Hour

***Industry Focus***

- Gig Economy
- Healthcare
- Retail
- Sports

***Overview***

Brian Gershengorn is co-managing partner of the firm's New York office. He represents clients in employment, wage and hour, class action and traditional labor matters in the healthcare, securities, real estate, property management, hospitality, financial services, sports, entertainment, educational, and retail industries.

Brian's practice focuses on representing clients against claims of employment discrimination, sexual harassment, retaliation, wrongful discharge, breach of contract, defamation, tip-pooling, meal and rest breaks, misclassification, and off-the-clock allegations. Brian has successfully defended clients as lead counsel in a wide variety of employment litigation matters, including complex wage and hour matters, in state and federal courts in both jury and bench trials.

He also regularly counsels clients on compliance with anti-discrimination laws, wage and hour laws, New York City's Fair Workweek Law, just cause law for fast-food employees, the Family and Medical Leave Act (FMLA), and the National Labor Relations Act (NLRA), among others, as well as the management of personnel problems, workplace investigations, and employee handbooks.

Brian has also advised clients in all aspects of traditional labor matters, including representing clients before the National Labor Relations Board (NLRB). He has represented clients in grievance arbitrations and defended clients in unfair labor practice trials. Brian has also served as lead counsel during collective bargaining negotiations and advised on other collective bargaining matters, advised clients on union representation and union awareness, and guided clients through union representation elections and campaigns.

## ***Recent Experience***

### **Experience**

- Successfully defended clients in a Fair Labor Standards Act (FLSA) wage and hour collective action jury trial in the Western District of Pennsylvania.
- Successfully defended clients in a Fair Labor Standards Act and New York Labor Law wage and hour litigation bench trial in the Southern District of New York.
- Oversee and conduct wage and hour compliance audits.
- Attained summary judgment in the Eastern District of New York in a case alleging discrimination on the basis of age.
- Representation of clients in collective bargaining negotiations.
- Representation of clients in arbitrations arising from collective bargaining relationships in both the private and public sectors.

## ***Credentials***

### **Education**

- J.D., 2003, cum laude, Brooklyn Law School
- B.S., 2000, Cornell University School of Industrial and Labor Relations

### **Bar Admissions**

- New Jersey
- New York

### **Court Admissions**

- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

## ***Recognitions***

- Listed in *Lawdragon's 500 Leading U.S. Corporate Employment Lawyers* (2021, 2022, 2024)
- Recognized in *The Best Lawyers in America* (2020 - 2024)
- Listed as a *New York Super Lawyer* (2017)

## ***Affiliations***

### **Professional Activities**

- Member, New York State Bar Association

## ***Insights***

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INSIGHTS

03/22/24

### **The Battle Over “Frequency of Pay” Claims in New York Continues: 3 Top Issues for Employers to Track**

Kathleen McLeod Caminiti, Amanda M. Blair, Brian J. Gershengorn, Seth D. Kaufman, Sarah Wieselthier

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INSIGHTS

01/22/24

### **New York Employers Have More Tools to Challenge “Frequency of Pay” Claims After Recent Win: Your Key Takeaways**

Amanda M. Blair, Kathleen McLeod Caminiti, Brian J. Gershengorn, Seth D. Kaufman, Sarah Wieselthier

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INSIGHTS

12/01/23

### **Workplace Law Update: 10 Essential Items on Your December To-Do List**

Emily Alvarez, Cheryl L. Behymer, Amanda M. Blair, Jessica D. Causgrove, Deepa K. Desai, Melissa A. Dials, Brian J.

Gershengorn, Jennifer S. Kiesewetter, Courtney Leyes, Richard R. Meneghello, Katherine J. Mills, Joshua D. Nadreau, Raymond W. Perez, Robert M. Robenalt, Shane Stover, Melanie L. Webber, Sarah Wieselthier

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INSIGHTS

11/27/23

### **Governor Signs 4 Key Changes to New York’s NDA Law: What Employers Need to Know**

Amanda M. Blair, Brian J. Gershengorn

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INSIGHTS

10/04/22

### **The Top 16 Workplace Law Stories from September 2022**

Cheryl L. Behymer, Steven M. Bernstein, Amanda M. Blair, Risa B. Boerner, Patrick M. Dalin, Alex G. Desrosiers, Katherine M. DiCicco, Anet Drapalski, Benjamin M. Ebbink, Scott Fanning, Chantell C. Foley, Boris Gautier, Brian J. Gershengorn, Seth D. Kaufman, Anne Yarovoy Khan, Kenneth A. Knox, Todd B. Logsdon, Joshua D. Nadreau, Regina A. Petty, John M. Polson, Dan Schmidt, John K. Skousen, Brian L. Tremer, A. Kevin Troutman

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INSIGHTS

10/03/22

## **NYC Fast Food Employers Back in the Spotlight: More Amendments to the City's Fair Workweek Law Coming Your Way**

Amanda M. Blair, Brian J. Gershengorn, Seth D. Kaufman

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EVENT

09/08/22

## **How NYC Fast Food Employers Can Navigate New Fair Workweek and Just Cause Rules**

Brian J. Gershengorn, Seth D. Kaufman, Amanda M. Blair

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INSIGHTS

06/22/22

## **Top 5 Surprises for NYC Fast Food Employers in Finalized Fair Workweek Law Rules**

Amanda M. Blair, Brian J. Gershengorn, Seth D. Kaufman

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INSIGHTS

02/01/22

## **NYC Set to Finalize New Regulations to Further Complicate Fast Food Workplaces**

Amanda M. Blair, Brian J. Gershengorn, Seth D. Kaufman

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EVENT

06/22/21

## **Deadline July 4! What Fast Food Employers Need to do Now Before NYC's "Just Cause" Law Takes Effect**

Seth D. Kaufman, Brian J. Gershengorn

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