



R. Bryan Holbrook

Partner

Charlotte

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Email



Service Focus

- FCRA and Background Screening
- Counseling and Advice
- Employee Leaves and Accommodations
- Employment Discrimination and Harassment
- Litigation and Trials
- Workplace Investigations

Industry Focus

- Education
- Energy
- K-12 Institutions
- Financial Services
- Healthcare
- Manufacturing

Trending

- COVID-19/Vaccine Resource Center

Overview

Bryan Holbrook is a partner in the firm's Charlotte office, where he focuses his practice on employment litigation and counseling. His practice includes representing employers in state and federal courts, as well as those with charges pending before the Equal Employment Opportunity Commission, the Department of Justice, and parallel state agencies. Bryan's business management background allows him to quickly develop an understanding of his clients' businesses and to offer practical legal advice that is consistent with business objectives.

Employment Litigation

Bryan is a seasoned litigator with first-chair trial experience. Known for his ability to develop clear strategies in complex cases involving novel issues, Bryan has represented clients in state and federal courts across the country, including cases in Alabama, Georgia, Illinois, Massachusetts, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Virginia, and Washington, D.C.

Bryan's employment litigation efforts resulted in four consecutive selections to the list of Virginia Super Lawyers® Rising Stars for Employment Litigation Defense from 2017 through 2020. In 2019, he was also recognized as one of America's Top 100 High Stakes Litigators®.

While Bryan has litigated cases in virtually every area of employment law, he has significant experience representing employers facing claims of discrimination, harassment, retaliation, and wrongful termination. He has successfully defended claims arising under Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act (ADA); the Age Discrimination in Employment Act (ADEA); the Family and Medical Leave Act (FMLA); and various state laws. Bryan also defends employers facing claims for vicarious tort liability and has successfully obtained dismissal of intentional tort claims, including claims for assault and battery.

Bryan devotes a portion of his practice to general business/commercial litigation matters. In this regard, he represents employers pursuing claims of unfair competition, including claims for misappropriation of trade secrets and breach of non-compete and other restrictive covenants.

Employment Counseling and Workplace Investigations

As the son of a Human Resources Director, Bryan recognizes that the best lawsuit for an employer is the one that is never filed. In this regard, Bryan routinely works with employers to manage employee performance through the creation and consistent application of company policies designed to avoid claims of discrimination, harassment, retaliation, and denial of leave or reasonable accommodations. Bryan advises clients in responding to complaints of this nature when they do arise, and, when called upon, conducts internal investigations as an independent fact finder on behalf of companies.

Alternative Dispute Resolution

Bryan understands that prolonged litigation is not always a "winning" strategy or the best business solution. As such, he guides appropriate cases through mediation or arbitration and appreciates the benefits that alternative dispute resolution affords to his clients. He utilizes technology to implement a unique, cost-effective, and proven approach to successful mediation, which has prompted numerous requests for continuing legal education or "CLE" by opposing counsel. Bryan previously served on the Virginia Joint ADR Committee, which is comprised of leaders of The Virginia Bar Association and Virginia State Bar.

Recent Experience

Experience

- Obtained summary judgment for state agency facing Title VII claims for hostile work environment sexual harassment by former director.
- Obtained dismissal with prejudice of FMLA discrimination claims by former HR Director against former CEO/Owner of regional maintenance services company asserting individual “employer” liability.
- Obtained rare finding of no probable cause for national origin discrimination in claims asserted against condominium owner’s association.
- Assisted with successful defense of national restaurant chain facing claims for hostile work environment sexual harassment under Title VII and disability discrimination under the ADA, resulting in three-count defense verdict following four-day jury trial in federal court.
- Defended restaurant during on-site witness interviews by EEOC resulting in dismissal of hostile work environment sexual harassment allegations and parallel criminal charges.
- Drafted motion to dismiss for lack subject matter jurisdiction resulting in nuisance value settlement of Title VII/Fair Credit Reporting Act complaint on eve of trial, despite court’s previous denial of summary judgment motion filed by prior counsel.
- Obtained nuisance value settlement for warehousing company and multiple officers facing 9-count complaint in federal court asserting claims for discrimination; harassment; and retaliation under federal and state law.
- Persuaded life insurance company to reinstate \$3.0M policy and obtained dismissal of \$3.0M negligence action against investment management company following policy lapse.
- Assisted in drafting global motion to dismiss all claims by over 200 plaintiffs in highly-publicized New England Compounding meningitis scandal in Massachusetts multidistrict litigation. Brief featured in National Law Journal.

Credentials

Education

- J.D., *magna cum laude*, Order of the Coif, University of Cincinnati College of Law
- B.S., *magna cum laude*, Appalachian State University

Bar Admissions

- North Carolina
- Ohio
- Virginia

Court Admissions

- Ohio Supreme Court

- Virginia Supreme Court
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Western District of North Carolina
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Western District of Virginia
- U.S. District Court for the Eastern District of Virginia

Recognitions

- America's Top 100 High Stakes Litigators®, 2019
- Virginia Super Lawyers®, *Rising Star*, Employment Litigation: Defense – 2017-2020
- The Ted Dalton American Inn of Court, Roanoke, Virginia – 2014-2015
- Daye Award, Appalachian State University – presented to individuals asserting: *sincerity, loyalty, integrity, dedication, and stewardship*
- Walker Fellows Inaugural Member, Walker College of Business, Appalachian State University

Affiliations

Professional Activities

- Charlotte Regional Business Alliance
- Gaston HR
- Iredell Human Resource Association
- Union County Human Resources Association
- North Carolina Restaurant and Lodging Association
- Highrise Networks
- Mecklenburg County Bar Association
- Labor and Employment Law Section, Virginia Bar Association
- Ohio Bar Association
- Young Lawyers' Division liaison to the Virginia Bar Association/Virginia State Bar Joint Committee on Alternative Dispute Resolution, 2014-2019
- Southwest Virginia Co-Coordinator, Veterans' Issues Task Force of the Virginia Bar Association, 2015-2017

Insights

Pregnant Workers Fairness Act Under Fire: What Employers Need to Know About the Latest Legal Challenges

R. Bryan Holbrook, Daniella C. Infantino

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NEWS

07/01/24

Partners Quoted in HR Dive on Supreme Court Chevron Reversal Insight

Sheila M. Abron, Caroline Cheek, J. Randall Coffey, R. Bryan Holbrook, Ralph Hua, Matthew R. Korn, Erik M. Laiho

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NEWS

07/01/24

Partners Quoted in McKnight's Senior Living on Supreme Court's Chevron Reversal Insight

Sheila M. Abron, Caroline Cheek, J. Randall Coffey, R. Bryan Holbrook, Ralph Hua, Matthew R. Korn, Erik M. Laiho

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INSIGHTS

07/01/24

Workplace Law Update: 10 Essential Items on Your July To-Do List

Sheila M. Abron, Risa B. Boerner, Kathleen McLeod Caminiti, Caroline Cheek, J. Randall Coffey, Benjamin M. Ebbink, Michael P. Elkon, Lauren Frisch, Lonnie D. Giamela, R. Bryan Holbrook, Ralph Hua, Zinnia Khan, Sean Kingston, Matthew R. Korn, Erik M. Laiho, Lauren Laing, Eleanor F. Miller, Joshua D. Nadreau, Lisa Nagele-Piazza, Monica Snyder Perl, Katie Reynolds, Terri R. Stewart, J. Hagood Tighe

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INSIGHTS

06/28/24

Landmark SCOTUS Ruling Strips Power From Federal Agencies: How Today's Decision Will Impact Your Workplace

Sheila M. Abron, Caroline Cheek, J. Randall Coffey, Michael P. Elkon, R. Bryan Holbrook, Ralph Hua, Matthew R. Korn, Erik M. Laiho

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INSIGHTS

02/01/24

SCOTUS Predictions: Blockbuster Decision Will Dismantle Workplace Regulations

Sheila M. Abron, Caroline Cheek, J. Randall Coffey, Michael P. Elkon, R. Bryan Holbrook, Ralph Hua, Matthew R. Korn, Erik M. Laiho

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Fisher Phillips Elects 22 New Partners Amid Growth for Labor and Employment Counsel

Arit Dilip Butani, Jeffrey M. Csercsevits, Chantell C. Foley, Jamie Gross, Rebecca Hause-Schultz, R. Bryan Holbrook, Megan L. Janes, Garrett S. Kamen, Matthew J. Macario, Bret Martin, Radhika Mehta, Samantha J. Monsees, Brett P. Owens, Lisa Peterson, Deniz Uzel Reilly, Ashton M. Riley, Kristin L. Smith, Monica Snyder Perl, Lauren M. Sobaski, Franklin Z. Wolf, Victor Xu

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The Top 16 Workplace Law Stories from August 2022

Rebecca Hause-Schultz, Sarah Wieselthier, Cheryl L. Behymer, Sheila M. Abron, Tatiana S. Chiu, Angelica M. Ochoa, Steven M. Bernstein, Alex G. Desrosiers, John M. Polson, Richard R. Meneghello, Adam F. Sloustcher, Kathleen McLeod Caminiti, Courtney Leyes, Marilyn Higdon, Myra K. Creighton, R. Bryan Holbrook, Patrick W. Dennison, Aymara Ledezma, Samantha J. Monsees, Benjamin M. Ebbink, Alden J. Parker, Darcey M. Groden, Anthony Isola, Usama Kahf

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Federal Appeals Court Rules Gender Dysphoria is a Disability for the First Time: 4 Accommodation Steps for Employers

Myra K. Creighton, R. Bryan Holbrook

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The Top 17 Workplace Law Stories from February 2022

Phillip C. Bauknight, Amanda M. Blair, Kathleen McLeod Caminiti, Brian J. Coughlin, Steven R. Cupp, Deepa K. Desai, Alex G. Desrosiers, Benjamin M. Ebbink, Abby H. Putzulu, R. Bryan Holbrook, Jason D. Keck, Matthew R. Korn, Ariella Kupetz, Richard R. Meneghello, Kelly Ahern, Catharine Morisset, Joshua D. Nadreau, Jeffrey Shapiro, Hannah Sweiss, J. Hagood Tighe, Ivy Waisbord

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