James Michael Honeycutt

Partner

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Service Focus

- Counseling and Advice
- Employee Defection and Trade Secrets
- Employment Discrimination and Harassment
- Litigation and Trials

Industry Focus

- Automotive Dealership
- Manufacturing

Overview

Mike Honeycutt is a partner in the Charlotte office. His practice focuses on labor and employment law on behalf of employers, including employment litigation defense, and counseling clients on a wide range of personnel issues.

Mike has successfully defended employers in state and federal courts and before administrative agencies against a variety of employment-related claims, including claims alleging wrongful discharge, discrimination, harassment, breach of contract, negligent hiring/retention, data breaches, and violation of wage and hour laws.

Mike also has extensive experience representing employers in actions involving unfair competition, such as claims for misappropriation of trade secrets and breach of restrictive covenants.

Mike regularly conducts training for employers on a variety of subjects including discrimination and harassment training, union avoidance, wage and hour laws, data security, and best practices for avoiding workplace problems.

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Mike was a Dean Charles King Scholar at Michigan State University College of Law. While in law school, Mike interned for Michigan Circuit Court Judge Timothy P. Connors and United States District Court Judge George Caram Steeh of the Eastern District of Michigan.

Recent Experience

Experience

- Prevailed in a seven-day jury trial on behalf of an accounting and financial advisory firm against a former partner for breach of his Nondisclosure and Non-Solicitation Agreement that led to the loss of several key clients. Obtained a substantial monetary damages award and recovery of attorney fees. Also defeated defendant's counterclaim.
- Successfully brought motion for discovery sanctions on behalf of sales and marketing company against its former account executive who had covertly represented clients off the books, diverted commissions to himself, and subsequently lied about the scheme during discovery. The Court's award of serious and wide-sweeping sanctions quickly led to a large monetary settlement.
- Obtained judgment in federal court on behalf of manufacturer on claims for breach of contract, violation of Computer Fraud and Abuse Act, violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), breach of fiduciary duty, tortious interference with business relationships, fraud, unjust enrichment, and statutory conversion against former senior buyer who had orchestrated an extensive scheme to funnel supply contracts to an outside sales representative agency in exchange for a share of the commissions.
- Obtained summary judgment on behalf of restaurant chain against claims brought by former general manager for Breach of Contract, Breach of Fiduciary Duty/Constructive Fraud, Wrongful Discharge, Breach of Contract Accompanied by Fraudulent Acts, Violation of Wage & Hour Act, Intentional Infliction of Emotional Distress, and Punitive Damages arising under the laws of the States of North and South Carolina.
- Obtained Dismissal of lawsuit via a Motion to Dismiss Plaintiff's Complaint alleging wrongful discharge in violation of North Carolina public policy.
- Successfully defended national insurance company against multiple lawsuits alleging unpaid commissions brought by former employees and independent agents.
- Represented numerous employers in investigations and audits conducted by the United States and North Carolina Department's of Labor relating to overtime, minimum wage, failure to pay wages/bonuses, and violation of North Carolina's Retaliatory Employment Discrimination Act.
- Has obtained numerous temporary restraining orders and/or preliminary injunctions on behalf of employers seeking to protect trade secrets and/or enforce post-employment restrictive covenants including covenants not to compete, not to solicit, and nondisclosure against former employees, including conducting full evidentiary hearings.
- Has successfully defended employers and their employees against Motions for Temporary Restraining Orders and/or Preliminary Injunctions seeking to enforce restrictive covenants

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including covenants not to compete, covenants not to solicit and covenants regarding nondisclosure, and against claims alleging trade secret misappropriation.

- Obtained summary judgment on behalf of employer for Civil Liability for Theft by Employee.
- Represented numerous employers against EEOC charges alleging discrimination based upon race, sex, national origin, disability and violation of the Equal Pay Act.
- Represented and counseled employers regarding union avoidance, union campaign and collective bargaining.
- Defended software company in lawsuit alleging unfair competition pertaining to alleged theft of computer source code and breach of fiduciary duties owed to a partnership obtaining favorable resolution.
- Successfully defended chemical manufacturer against Title VII lawsuit alleging race and national original discrimination, and successfully asserted counterclaim for breach of workers compensation settlement agreement thereby establishing new law in State of North Carolina favorable to employers.
- Successfully defended national automotive client at two-day full evidentiary hearing against Plaintiffs' Motion for a Preliminary Injunction and Plaintiffs' Motion for Contempt.
- Successfully defended school district against claims brought by former principal alleging wrongful termination. Later, prevailed on appeal to North Carolina Court of Appeals establishing new precedent under North Carolina's former Teacher Tenure Act.
- Successfully defended national home appliance manufacturer against national competitor's Motion for a Preliminary Injunction alleging trade secret misappropriation after conducting full evidentiary hearing.
- Favorably resolved case for physician brought by his former medical practice seeking to restrict him from practicing his specialty within defined geographic area.
- Favorably resolved lawsuit on behalf of employer brought by Engineer alleging national original discrimination.
- Has obtained numerous no-contact orders under North Carolina's Workplace Violence Protection Act restraining former employees from threatening or contacting with their former employers, former co-workers and management.

Credentials

Education

- J.D., 2001, magna cum laude, Michigan State University College of Law
- University of North Carolina at Pembroke

Bar Admissions

- Michigan

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- North Carolina

Affiliations

Professional Activities

- Serves as a contributing editor to several treatises published in cooperation with the ABA in the area of employment law, including *Covenants Not to Compete*, *Trade Secrets*, *Employee Duty of Loyalty* and *Tortious Interference in the Employment Context*
- Member of the North Carolina Bar Association, Labor And Employment Law Section
- Member of the Mecklenburg County Bar Association

Community Activities

Mike is a member of the Denver Baptist Church and is a member of the United States Naval Academy Parent's Club of North Carolina.

Insights

EVENT 9/23/21 and 9/28/21

"New Normal" Approaches to Employee Mobility, Information Safeguards and Competitive Advantage in the Post-Pandemic World

Michael P. Elkon, Risa B. Boerner, Christopher P. Stief, David W. Erb, Robert Yonowitz, Brent A. Cossrow, Wendy Hughes, James Michael Honeycutt, Pavneet Singh Uppal, Michael R. Greco, Susan M. Guerette, Usama Kahf, Anthony Isola, John W. Stapleton, Corey J. Goerdt

Read more →

EVENT 04/23/19

Charlotte Labor and Employment Annual Seminar

Kevin J. Dalton, James Michael Honeycutt, David Klass, Travis Vance

Read more →

EVENT December 5 - 7, 2017

Great Lakes Fruit, Vegetable, & Farm Market EXPO

James Michael Honeycutt, Ann Margaret Pointer

Read more →

EVENT 09/26/17

Workplace Safety & Employment Law Seminar

James Michael Honeycutt, Travis Vance

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EVENT 09/14/17

US DOL Investigations - Preparing for the Investigators

James Michael Honeycutt, Ann Margaret Pointer

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EVENT 05/05/16

The Good, the Bad, and the Ugly

Kevin J. Dalton, James Michael Honeycutt, Travis Vance

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NEWS 05/05/12

Discussing Politics in the Workplace

James Michael Honeycutt

Read more →

NEWS 06/15/09

Fisher Phillips' Labor Lawyers Write Guidebook about North Carolina Labor Laws

Kevin J. Dalton, James Michael Honeycutt

Read more →

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