Nathan L. Whatley

Shareholder

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Oklahoma City

Overview

Nathan Whatley represents management in all phases of litigation before federal and state courts, regulatory and administrative agencies, including the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Labor, and the Occupational Safety and Health Administration (OSHA), and in arbitration matters. He also handles litigation matters involving the enforcement of non-competition and confidentiality agreements, breach of employment contracts, handbook and personnel policy violations, wage and hour disputes, and other issues arising out of employer/employee relationships.

Nathan has litigated in Oklahoma, Texas, Illinois, California, South Carolina, Arkansas, Alabama, Arizona, Oregon, Washington, Tennessee, Georgia, Louisiana, New York, New Jersey, New Mexico, Kansas and Missouri.

Nathan also routinely counsels clients in connection with employee discipline, terminations and reductions in force; wage and hour issues; handbooks and policies; drug and alcohol programs; executive compensation, employment and non-competition agreements; and individual and group severance programs and related matters. He also provides training to management and non-management employees in all areas affecting the employer/employee relationship and regularly conducts on-site client training in areas such as sexual harassment, drug and alcohol testing, employee leave and disability, and EEOC compliance and investigation.

Nathan has previously served as leader of the firm's Labor and Employment Group, one of the largest of its kind in the region.

Nathan is a frequent speaker on a variety of labor and employment topics and has been a guest legal columnist and contributing author to numerous business and professional publications, including *The Oklahoman, The Journal Record, Oklahoma Employment Law Letter, HRlaws.com*, and *EmployerLINC*, a legal blog dedicated to employers and workplace issues. He has also been interviewed by local print and broadcast media outlets on matters affecting Oklahoma employers. In

Admissions

Oklahoma, 1992

U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma

U.S. District Courts for the Northern and Southern Districts of Texas

U.S. Court of Appeals for the Tenth Circuit

U.S. Supreme Court

Education

J.D., with highest honors, University of Oklahoma, 1992; Order of the Coif; *Oklahoma Law Review*

B.A., with highest honors, University of Oklahoma, 1989; Phi Beta Kappa; Golden Key National Honor Society

addition to having served as editor of the newsletter for the Labor and Employment Law Section of the Oklahoma Bar Association, he has authored white papers for the Society for Human Resource Management and articles for the *Oklahoma Law Review* and *Oklahoma Bar Journal*. His major writing credits include authoring and updating *Oklahoma Employment Law: Practice and Forms Manual*, published by Data Trace Publishing Company since 2010; co-authoring Entertainment and Media Law Client Strategies, published by Aspatore Books in 2007; and serving as a contributing writer to *Age Discrimination In The Workplace: A Primer For Human Resource Professionals*, published by the Society for Human Resource Management in 1999.

His experience and expertise have earned him inclusion in *Chambers USA Guide to America's Leading Lawyers for Business, The Best Lawyers in America* (employment law – management; labor law – management; labor and employment litigation) and *Oklahoma Super Lawyers*, where he has been named to its list of "Top 50 Oklahoma Lawyers." Best Lawyers selected him as "Employment Lawyer of the Year (Management)" in Oklahoma City for 2019, an honor only given to a single lawyer in each legal specialty in each community.

Representative Experience

- Obtained summary judgment for a national security solutions company in a retaliation lawsuit filed by a former employee who alleged he was wrongfully terminated for reporting sex-based favoritism by a company manager. The court rejected plaintiff's evidence for establishing direct retaliation and "cat's paw" theories of liability. Judgment affirmed on appeal to the Tenth Circuit Court of Appeals.
- Nationwide defense of employment litigation and arbitration matters.
- Representation of employers in litigation relating to employment contracts, commission disputes and non-compete agreements.
- Representation of employers before the EEOC and various state human rights agencies.
- Representation of employers in wage and hour and FMLA investigations by the U.S. Department of Labor.
- Representation of employers in individual and class action FLSA classification, overtime calculation and wage and hour cases.
- Representation of employers in state wage and hour and unemployment claims.
- Representation of employers before the National Labor Relations Board.
- Representation of employers before the Occupational Safety and Health Administration.
- Representation of employers in trade secret and breach of confidentiality matters.
- Representation of employers in enforcement of non-solicit and non-compete agreements.
- Representation of national retailer in false arrest and related tort actions.
- Representation of property owners in ADA accessibility actions.
- Representation of property owners in Fair Housing Act actions.
- *Burks v. Oklahoma Publishing Co.*, 81 F.3d 975 (10th Cir. 1996)
- *Bell v. Dillard Dept. Stores, Inc.*, 85 F.3d 1451 (10th Cir. 1996)
- *Danner v. Dillard Dept. Stores, Inc.*, 949 P.2nd 680 (Okla. 1997)
- *Frusher v. Dillard Dept. Stores, Inc.*, 166 F.3d 1220 (10th Cir. 1998)
- *Gripe v. City of Enid*, 213 F.3d 1184 (10th Cir. 2002)

- *Kuykendall v. Gulfstream Aerospace Technologies*, 66 P.3d (Okla. 2002)
- *Braxton v. Nortek Air Solutions, LLC*, 769 F.App'x 600 (10th Cir. 2019)
- *Mueggenborg v. Nortek Air Solutions, LLC* 2021 WL4807176, 66 P.3d 374 (10th Cir. 2021)

Honors and Awards

- Listed in the *Chambers USA Guide to America's Leading Lawyers for Business* (2008–2023)
- Named a "Labor & Employment Star – South" by *Benchmark Litigation*
- Selected by peers for inclusion in *The Best Lawyers in America* (2008–Present)
- Listed in *Oklahoma Super Lawyers* (2006–Present)
- Named "Best Lawyers Employment Lawyer of the Year (Management)" in Oklahoma City for 2019
- Named to *Oklahoma Super Lawyers'* list of "Top 50 Oklahoma Lawyers"
- Rated AV Preeminent by Martindale-Hubbell Peer Review Ratings

Professional Organizations and Memberships

- Oklahoma County Bar Association
- Oklahoma Bar Association (Former Chair, Labor & Employment Section)
- Oklahoma City Metro Employer Council (Executive Board)
- Sooner Human Resources Society (General Counsel)
- Society for Human Resource Management

Civic Involvement and Leadership

- Norman Chamber of Commerce