

Marcus Fettinger

Partner

Marcus Fettinger is a management-side employment lawyer focused on using creative strategies to achieve his clients' goals. Whether they need immediate injunctive relief to protect their valuable trade secrets or long-term strategies to minimize potential liabilities down the road, Marcus is passionate about collaborating with his clients to develop custom solutions that get the best results possible. He also immerses himself in client relationships in a fun yet professional manner so he can understand each client's individual culture and plans for the future.

Clients call Marcus when their businesses are under attack in cases involving trade secret theft, solicitation of customers or employee raiding in violation of non-disclosure, non-competition and non-solicitation agreements. He has handled every phase of numerous unfair competition disputes, from immediate injunctive relief and discovery to settlement negotiations and trial. With significant experience dealing with data forensics and preparing hearing presentations on the fly, Marcus is the firm's go-to litigator when clients need a temporary restraining order to prevent further damage to their business interests.

In addition, Marcus has successfully defended employers in litigation and administrative proceedings involving all types of discrimination, harassment and retaliation claims under various federal and state statutes, including Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Family and Medical Leave Act. He also guides businesses through Department of Labor audits and related litigation involving wage and hour compliance under the Fair Labor Standards Act.

Marcus helps clients outside the courtroom as well. He advises human resources departments and business owners on a variety of day-to-day employment decisions, prepares employee handbooks and policies, and drafts employment agreements such as non-disclosure, non-competition, non-solicitation, severance and retention agreements.



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Practices
Labor & Employment

Education
J.D., *cum laude*, Southern Methodist
University Dedman School of Law,
Editor, *SMU Law Review* (2011)
B.B.A., The University of Texas
McCombs School of Business (2007)

Bar Admissions
Texas

Court Admissions
United States District Court, Northern
District of Texas
United States District Court, Eastern
District of Texas
United States District Court, Southern
District of Texas
United States District Court, Western
District of Texas
United States District Court, Western
District of Oklahoma
United States Court of Appeals, Fifth
Circuit

Experience

- Served as first chair in a successful temporary injunction hearing for a financial services firm in breach of contract and theft of trade secrets case against a former executive.
- Served as first chair in a successful temporary injunction hearing for a commercial construction firm in a theft of trade secrets case against a former employee.
- Obtained summary dismissal of employees defamation claims in arbitration.
- Obtained summary dismissal of plaintiff's sex, race, and disability discrimination claims against a home services client in federal court.
- Obtained take nothing judgment for client in an unpaid overtime case.
- Successfully defended an employer in a race discrimination case. Obtained a judgment awarding no economic damages or attorneys' fees.
- Obtained numerous temporary restraining orders in theft of trade secret and restrictive covenant cases.
- Obtained numerous temporary and permanent injunctions on behalf of national automotive retailer.
- Obtained many large settlements in theft of trade secrets and breach of nonsolicitation / noncompetition agreements.
- Obtained summary dismissal of gender discrimination claims against a client in federal court.
- Obtained summary dismissal of sex discrimination claims against a construction client in state court.
- Counseled clients and litigated cases in a range of employment matters including Title VII, ADEA, ADA, FMLA, and FLSA wage and hour

claims and compliance.

- Regularly represent companies facing Department of Labor (DOL) audits regarding overtime compliance.
- Regularly respond to charges of filed the Equal Employment Opportunity Commission (EEOC) and the Texas Workforce Commission (TWC).
- Regularly represent clients in administrative hearings including TWC hearings.
- Regularly draft handbooks, policies and employment agreements such as noncompetition, nondisclosure, severance, and retention agreements.

Press Releases

- “Gray Reed Promotes Five Associates to Partner” (December 16, 2019)
- “Gray Reed & McGraw Welcomes Two Associates” (May 9, 2014)

Thought Leadership

- “San Antonio City Council Enacts Revised Mandatory Paid Sick Leave Ordinance (Updated as of 11/22/19)”, *Gray Reed Legal Alert* (October 7, 2019)
- “Long-Awaited Overtime Change Arrives”, *Gray Reed Legal Alert* (September 27, 2019)
- “Employers with Dallas or San Antonio Employees Beware - Mandatory Paid Sick Leave is Coming!”, *Gray Reed Legal Alert* (June 25, 2019)
- “Our Patient Did WHAT? The Duty of Healthcare Employers to Protect Their Employees From Patient Harassment”, *Gray Reed Legal*

Alert (August 15, 2018)

- “Game Changer? New Sex Discrimination Case Regarding Sexual Orientation”, Gray Reed Legal Alert (February 28, 2018)
- “The Defend Trade Secrets Act of 2016”, *KenMor Magazine* (Spring 2017)
- “New Overtime Regulations Frozen – to Death? What You Need to Know About the Overtime Rule Injunction Issued Nov. 22, 2016”, Gray Reed & McGraw Legal Alert (November 23, 2016)
- “A Brave New World of Overtime Compliance”, *KenMore* (Fall 2016)
- “Houston Civil Rights Ordinance Criminalizes Discrimination”, Gray Reed & McGraw Legal Alert (July 14, 2014)

Speeches and Presentations

- “Employment Law Q&A as Texans Go Back To Work”, Gray Reed Webinar (May 4, 2020)
- “Crash Course on Employment Law for Executives ”, Baylor Executive MBA Program – International Business and Public Policy Seminar (May 10, 2018)
- “The Lawyer’s Catch 22 – Misappropriated Documents & Trade Secrets” (March 28, 2018)
- “Managing Employees in Your Nonprofit Organization ”, Dallas Bar Association - Nonprofit Law Study Group (November 15, 2017)
- “Fair Labor Standards Act – Changes and Challenges” (January 27, 2016)

Honors

- Named a Rising Star by Texas Super Lawyers (a Thomson Reuters

company) as published in *Texas Monthly* (2018 - 2020)

Organizational Involvement

Professional Activities, Memberships & Affiliations

- Dallas Bar Association
 - Co-Chair, LegalLine Committee
 - Advisor, Transition to Law Practice Program Committee
 - Member, Labor & Employment Law Section
- State Bar of Texas
 - Member, Labor & Employment Law Section
- Dallas Association of Young Lawyers

Community Activities, Memberships & Affiliations

- Genesis Young Leaders
- Oak Lawn Park Junior Conservancy