



## JONATHAN S. PARRITZ

Partner  
Head of Competitive Practices Litigation Group

jon.parritz@maslon.com

Phone: 612.672.8334 | Fax: 612.642.8334

### OVERVIEW

Jon Parritz has more than 30 years' experience handling complex litigation matters for individual and organizational clients in a wide variety of industries and professions, including insurance, banking, finance, manufacturing, retailing, computer forensics and digital storage, education, telecommunications, law, and medicine. He also serves as head of Maslon's Competitive Practices/Unfair Competition Litigation Group and is a member of its Business Litigation, Labor & Employment, and Intellectual Property Litigation Groups.

Jon devotes a substantial portion of his practice to litigation and counseling clients regarding issues pertaining to employment, executive compensation and benefits, wage and hour law, trade-secret protection, and enforcement of non-compete and confidentiality agreements.

Jon appears often in the U.S. District Court for the District of Minnesota, and in the courts of Hennepin, Ramsey, Anoka and Dakota counties. Jon has argued cases in the Minnesota Supreme Court, the U.S. Courts of Appeal for the Seventh and Eighth Circuits, and the Minnesota Court of Appeals. He has also been lead author of several briefs to the U.S. Supreme Court. In addition, he has appeared by special permission in courts around the country, including most recently in California, New York, Pennsylvania, Arizona, Colorado, Wisconsin, and Oklahoma.

Jon regularly handles arbitrations before the American Arbitration Association, the Financial Industry Regulatory Authority (FINRA), and other arbitration forums. He is an enrolled member of the American Arbitration Association National Panel of Arbitrators.

Before joining Maslon, Jon served as Judicial Clerk to the Honorable Harry H. MacLaughlin, U.S. District Court for the District of Minnesota.

In 2008, Jon was named an "Attorney of the Year" by *Minnesota Lawyer* for his work in obtaining a precedent-setting class action verdict on behalf of hourly employees against Wal-Mart following a three-month trial.

### AREAS OF PRACTICE

#### Litigation

- Appeals
- Business Litigation
- Competitive Practices/Unfair Competition
- Employment Litigation
- Insurance Coverage Litigation
- Intellectual Property Litigation

#### Labor & Employment

### BAR ADMISSIONS

#### Minnesota

##### U.S. District Court

- Minnesota
- W.D. Wisconsin

##### U.S. Court of Appeals

- Seventh Circuit
- Eighth Circuit

##### U.S. Supreme Court

### EDUCATION

#### University of Minnesota Law School

J.D., *cum laude*, 1986

#### Brandeis University

B.A., *cum laude*, 1982

He is AV® Preeminent™ rated by the Martindale-Hubbell National Law Directory peer review for ethical standards and legal ability, that organization's highest rating, and has been selected by his peers for inclusion on the Minnesota Super Lawyers® list in 2001-2003, 2006, and 2009-2018, a designation given to only 5% of Minnesota lawyers each year. He serves as a Blue Ribbon Panelist, which is a select group of lawyers chosen to help evaluate nominees for Minnesota Super Lawyers®.

## **SELECTED EXPERIENCE**

### ***Non-compete Agreements, Trade Secrets, Unfair Competition, ERISA, Executive Employment, and Benefits***

- Achieved favorable settlement of shareholder and employment claims on behalf of terminated CEO and shareholder of chain of weight loss clinics.
- Successfully defended owner of marketing firm against ERISA claims brought by former sales manager.
- Won preliminary injunction against two former employees of medical device manufacturer for violating non-compete and confidentiality provisions of their employment agreements; argued appeal and won affirmance by the Minnesota Court of Appeals.
- Defended prominent broker-dealer in FINRA arbitration against claims brought by competitor for allegedly hiring broker in violation of non-compete agreement.
- Won summary judgment for employer resulting in complete dismissal of a claim by former employee seeking long-term disability benefits under employer disability plan; argued appeal and won affirmance by United States Court of Appeals for the 8th Circuit.
- Defeated motions for TRO and preliminary injunction brought by competitor of e-sports live-stream gaming firm alleging misappropriation of trade secrets.
- Represented multi-national housing developer in defending against incentive compensation claims brought by former senior executives.
- Represented former senior executive of health care firm in successfully negotiating waivers of non-competition covenants contained in employment, severance and equity compensation award agreements.
- Represented manufacturer and seller of surgical equipment in litigation against former CEO and CFO for breach of separation and stock award agreements.
- Represented former CTO of defunct manufacturer of vascular diagnostic devices in negotiation with successor firm and competitor about the scope and enforceability of non-compete and intellectual property agreements.
- Represented liquor distributor in negotiating resolution of claims by former executives for incentive compensation under the company's Executive Deferred Compensation Plan.
- Won dismissal of class action claim brought by former insurance broker against major life insurance company for alleged violation of Electronic Communications Privacy Act.
- Won favorable settlement of related cases enforcing non-solicitation and non-competition agreements against former Regional Vice-President and HR manager of medical device firm.
- Won order certifying class of current and former employees of Mutual of New York Insurance Co. alleging miscalculation of lump sum retirement benefits.
- Won preliminary injunction, \$100,000 discovery sanction, and substantial settlement against competitor and former employees of digital publishing firm in case alleging misappropriation of trade secrets and tortious interference with contract.
- Won precedent-setting multimillion-dollar verdict following three-month class action trial on behalf of class of 56,000 current and former Wal-Mart workers, enforcing terms of Minnesota Fair Labor Standards Act.
- Won preliminary injunction enforcing two-year nationwide non-compete agreement against former Regional Vice-President of medical device firm.
- Won affirmance in the Minnesota Court of Appeals of a summary judgment order enforcing "clawback" of stock option gains from former California-based medical device sales representative for violation of non-competition provision.
- Won TRO on behalf of credit union against former board director in case alleging trade secret/breach of confidentiality agreement.

- Won complete dismissal of multimillion-dollar claim for commissions and stock brought against medical technology firm, its lead investor, and several officers and directors by former Chief Executive Officer, alleging breach of fiduciary duty, minority shareholder oppression, and breach of contract.
- Recovered in excess of \$2 million from former distributor of medical device manufacturer, and defeated distributor's motion for TRO alleging wrongful contract termination, unfair competition, and violation of Health Insurance Portability and Accountability Act.
- Won arbitration order enforcing non-competition agreement for medical device manufacturer against former senior product development engineer and his California employer, following week-long trial.
- Won TRO enforcing non-competition agreement for medical device manufacturer against former product development engineer and his Texas employer.
- Defended medical product manufacturer against trade secret and gender/race discrimination claims brought by former product development engineer.
- Defeated motion for TRO brought against provider of electronic data consulting services in action to enforce sales representative non-competition agreement, resulting in favorable settlement.
- Won summary judgment for leading medical products supplier, in case brought by former sales representative on claims relating to forfeiture of restricted stock.
- Prosecuted trade secret misappropriation and Lanham Act product disparagement claims, in case brought by leading multi-national medical device manufacturer.
- Won favorable arbitration award for leading medical products manufacturer in case construing unemployment provision of noncompetition agreement.
- Defended leading medical products manufacturer against gender discrimination and stock option claims brought by former regional sales manager.
- Defended leading medical products manufacturer against stock option acceleration claim brought by former international operations director.
- Defended leading gaming manufacturer against trade secret misappropriation claim involving electronic gaming technology.
- Defended physician owners of medical clinic against discrimination claims brought by former employees.

### ***Business Disputes***

- Obtained favorable financial settlement from terminated distributor on behalf of leading manufacturer of access control systems.
- Won favorable arbitration award on behalf of commodity broker against agricultural coop alleging breach of joint venture agreement.
- Won favorable settlement of case claiming breach of licensing and joint venture agreement with Danish partners concerning development of medical imaging device.
- Obtained dismissal of case alleging violation of licensing agreement relating to beverage formulation.
- Obtained favorable award following arbitration hearing on behalf of leading manufacturer of cleaning solutions in claim for breach of contract.
- Defended investor against breach of fiduciary duty, fraudulent transfer and preference claims arising from failure of automobile dealership.
- Won favorable settlement of action to compel founding shareholder to comply with terms of agreement to assign ultrasonic imaging technology used in vascular surgery.
- Won judgment for value of client's ownership interest in company engaged in the manufacture and distribution of computer disk drive technology in action to enforce LLC operating agreement buyout provisions.
- Won multimillion-dollar settlement of fraud claim on behalf of livestock ranchers against former partner.
- Won settlement for value of client's ownership interest in venture capital management company in action to enforce terms of LLC operating agreement and related limited partnership agreements.
- Defended former officers and directors of plastics manufacturer in action asserting breach of contract, misrepresentation and breach of fiduciary duty claims arising out of sale of corporate subsidiary.
- Won favorable settlement of minority shareholder claims brought by prominent attorney against former law partners.

### **Securities, Insurance & Finance**

- Resolved shareholder derivative claims brought against energy firm relating to alleged stock option plan violations.
- Won multimillion-dollar settlements on behalf of indenture trustee and bondholders in action alleging fraud in the sale of municipal bonds.
- Won multimillion-dollar settlement of claims brought by individual annuitants and insurance guaranty association against major regional brokerage company relating to marketing of single-premium deferred annuities issued by insolvent Midwest Life Insurance Company.
- Won judgment in excess of \$2 million on behalf of several employers who purchased group annuity pension funding agreements from insolvent InterAmerican Life Insurance Company in action to enforce assumption reinsurance agreement.
- Won multimillion-dollar settlement on behalf of insurance guaranty association of breach of fiduciary duty claims against defined contribution plan sponsor and investment manager for losses relating to guaranteed investment contracts purchased from insolvent Executive Life Insurance Company.
- Obtained declaratory judgment upholding constitutionality of retroactive amendment to the Minnesota Life & Health Insurance Guaranty Association Act, clarifying intent of Act to protect Minnesota resident pension fund contributors from insolvency of companies which sell pension funding instruments, including en banc affirmance by U.S. Court of Appeals for the Eighth Circuit, and denial of certiorari by the U.S. Supreme Court.
- Won dismissal of claim brought by Minnesota lease finance company against Nevada lessee based on doctrine of *forum non conveniens*, overturning forum selection clause in lease agreement.

### **Other Complex Litigation**

- Won favorable settlement of claim on behalf of leading university art museum in action to construe donor agreement.
- Won favorable settlement of claims on behalf of assignees of secured lender arising out of asset-purchase agreement relating to bankruptcy of cellular telephone service reseller.

### **Representative Court Decisions**

- *Long v. Miller*, Civil No. 17-424(DSD/FLN) (D. Minn., May 11, 2017)
- *Medtronic, Inc. v. Doerr*, 2015 Minn. App. Unpub. LEXIS 137 (Minn. Ct. App. Feb. 9, 2015)
- *Waldoch v. Medtronic, Inc.*, 757 F.3d 822, 2014 U.S. App. LEXIS 12919, 58 Employee Benefits Cas. (BNA) 2165, 2014 WL 3264187 (8th Cir. Minn. 2014)
- *Allstate Life Ins. Co. v. Robert W. Baird & Co., Inc.*, 971 F.Supp.2d 930 (D. Ariz. Sept. 13, 2013)
- *Waldoch v. Medtronic, Inc.*, 953 F. Supp. 2d 979, 2013 U.S. Dist. LEXIS 84993, 2013 WL 3064446 (D. Minn. June 18, 2013)
- *Biotronik v. Medtronic*, 840 F. Supp. 2d 1251 (D. Or. 2012).
- *Eagle Creek Software Services, Inc. v. Paradise*, 2011 WL 5863957 (D. Minn. Nov. 22, 2011).
- *Medtronic, Inc. v. Carmichael*, 2011 WL 2412745 (D. Minn. May 4, 2011).
- *Cenveo Corp. v. Southern Graphic Systems, Inc.*, 784 F. Supp. 2d 1130, 2011 WL 1134969 (D. Minn. Mar. 25, 2011).
- *Allstate Life Ins. Co. v. Robert W. Baird & Co., Inc.*, 763 F. Supp. 2d 1113, 2010 WL 4581242 (D. Ariz. Nov. 4, 2010).
- *Cenveo Corp. v. Southern Graphic Systems, Inc.*, 2010 WL 3893709 (D. Minn. Sept. 30, 2010).
- *Maguire v. Medtronic, Inc.*, 2010 WL 744561, 49 Employee Benefits Cas. 1023 (W.D. Pa. Feb. 26, 2010).
- *Medtronic v. Hedemark*, 2009 WL 511760 (Minn. Ct. App. Mar. 3, 2009).
- *Cenveo Corp. v. Southern Graphic Systems, Inc.*, 2009 WL 161210 (D. Minn. 2009).
- *Braun v. Wal-Mart, Inc.*, 2008 WL 2596918, 156 Lab. Cas. P. 60, 631 (Minn. June 30, 2008).
- *Kroll Ontrack v. Grain*, 2008 WL 4561637 (D. Minn. 2008).
- *Cenveo Corp. v. CelumSolutions Software GMBH & Co KG*, 504 F. Supp. 2d 574, 2007 WL 951550 (D. Minn. 2007).
- *Nonin Medical Inc. v. BCI Inc.*, 2005 WL 2105501 (D. Minn. 2005).
- *Hollywood Healthcare Corp. v. Deltec, Inc.*, 2004 WL 1118610 (D. Minn. 2004).
- *Lyon Financial Services Inc. v. Reno Sparks Ass'n of Realtors*, 2004 WL 234405 (D. Minn. 2004).
- *Braun v. Wal-Mart*, 2003 WL 22990114 (Minn. 2003).

- *Wolfer v. Microboards Manufacturing, LLC*, 654 N.W.2d 360 (Minn. Ct. App. 2002), *review denied*.
- *Hoehne v. Kerns*, 2002 WL 3126000 (8th Cir. 2002) (*per curiam*).
- *Kerns v. Kerns, et al.*, 53 P.3d 1157 (Colo. 2002).
- *Haley v. AIG Life Ins. Co.*, 229 F. Supp. 2d 957 (D.N.D. 2002).
- *Medtronic Inc. v. Shope*, 135 F. Supp. 2d 988 (D. Minn. 2001).
- *Scimed Life Systems, Inc. v. Johnson & Johnson*, 1999 WL 33643933 (D. Minn.).
- *Liberty State Bank v. MLHIGA*, 149 F.3d 832 (8th Cir. 1998).
- *Vetter v. Security Continental Ins. Co.*, 567 N.W.2d 516 (Minn. 1997).
- *Honeywell, Inc. v. MLHIGA*, 110 F.3d 547 (8th Cir. 1997) (*en banc*).
- *Hillard, et al. v. Medtronic, Inc.*, 910 F. Supp. 173 (E.D. Pa. 1995).
- *Czaja v. Plastic Specialties & Technologies Inc.*, 1995 LEXIS (D. Minn. 1995).
- *Honeywell, Inc., et al. v. MLHIGA*, 518 N.W.2d 557 (Minn. 1994).
- *Simon v. G.D. Searle & Co.*, 119 F.R.D. 680 (May 8, 1987).
- *Simon v. G.D. Searle & Co.*, 119 F.R.D. 683 (Dec. 15, 1987).

## LEADERSHIP & COMMUNITY

- Twin Cities Cardozo Society: Co-Chair 2016-present; Steering Committee 2014-present
- Metropolitan Jewish Council: Founder and Co-Chair 2017-present
- Jewish Federation of Greater St. Paul: President 2010-2012; Board of Directors 2002-present
- Jewish Community Relations Council of Minnesota and the Dakotas: Vice President 2018-present; Director 2016-present
- Federal Bar Association – Minnesota Chapter
- Minnesota State Bar Association
- Hennepin County Bar Association
- Harry Kay Foundation: Director 2014-2018
- Sholom Community Alliance: Director 2014-2017
- Talmud Torah of St. Paul: President 2000-2002; Director 1998-2006

## SELECTED HONORS

- **North Star Lawyer**, Minnesota State Bar Association, 2012-2018 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)
- **Attorney of the Year**, *Minnesota Lawyer*, 2008
- **Recognized on Minnesota Super Lawyers® list**, 2001-2003, 2006, 2009-2018 (*Minnesota Super Lawyers® is a designation given to only 5 percent of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*) Blue Ribbon Panelist, which is a select group of lawyers chosen to help evaluate the nominees for Minnesota Super Lawyers®.
- **Pro Bono Award**, for commitment to pro bono service, Maslon LLP, 2002
- **AV Preeminent**, Martindale-Hubbell®

## SELECTED PRESENTATIONS

- "Clawbacks and Equity Plan Litigation Issues," National Association of Stock Plan Professionals, Twin Cities Chapter Conference, 2013
- "Employer Liability and Title VII: Recent U.S. Supreme Court Guidance on Supervisor Conduct and Retaliation," webinar, Association of Corporate Counsel, 2013
- "2011 Wage and Hour Forecast: A Look at Key Trends, Challenges and Opportunities for Employers in 2011," Maslon Speaker Series, 2011
- "Religion and Law," discussion panel member, Interfaith Law League, University of Minnesota Law School, 2010
- University of Minnesota Law School Appellate Advocacy Program, moot court judge, 2010
- "Minnesota Human Rights Act and Fair Labor Standards Act," Mount Zion Temple, 2009

- "Lessons from the Wal-Mart Litigation," Hamline University, 2009
- "Litigating Wage & Hour Class Actions," ALI-ABA, 2009
- "The Latest Word on Punitive Damages," Annual Supreme Court Update, Clarion Legal, 2008
- "Stock Option Litigation, The Hot Topics," National Association of Stock Plan Professionals, Twin Cities Chapter Conference, 2002, 2004, 2007
- "Trading talent without trading secrets: How to protect your company's intellectual property rights when an employee leaves to join a competitor," Maslon Speaker Series, 2006
- "Interstate Conflict in the Enforcement of Non-Competition Agreements," ABA National Convention, Hawaii, 2006
- "Advanced Practice Strategies: Noncompetition, Confidentiality and Trade Secret Issues," Upper Midwest Employment Law Institute, 2004
- "Use of Noncompetition and Confidentiality Agreements in Protection of Trade Secrets," Minnesota Institute of Legal Education, 1998, 2000
- "Emerging Law Regarding Guaranty Association Litigation Privileges," National Organization for Life & Health Insurance Guaranty Associations, 1997

### **SELECTED PUBLICATIONS**

- "Minimizing Risk When Hiring a Competitor's Executive," *Today's General Counsel*, Vol. 9, No. 5, 2012
- "Greener Pastures? Ten Tips for Minimizing Risk When Hiring A Competitor's Employees," *ON Litigation*, Vol. 3, Summer 2011
- "How 'Long' Is the Long Arm of Justice? Exercising Maximum Power to Secure Prejudgment Protection of Assets," *FindLaw*, 2003