

## John A. Berg

Shareholder

1300 SW Fifth Avenue  
Wells Fargo Tower, Suite 2050  
Portland, OR 97201  
main: (503) 221-0309  
direct: (503) 889-8863  
fax: (503) 242-2457  
jberg@littler.com



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## Focus Areas

Discrimination and Harassment  
Unfair Competition and Trade Secrets  
Leaves of Absence and Disability Accommodation  
Whistleblowing, Compliance and Investigations  
Labor Management Relations

## Overview

John A. Berg litigates employment disputes. For two decades, John has defended discrimination, retaliation and harassment allegations, unfair competition and contract disputes, claims for unpaid wages and commissions, wage and hour class and collective actions, and traditional labor matters.

After learning to litigate from some of Chicago's most prominent labor and employment practitioners, John moved his practice to Portland, Oregon. Since 2011, John has brought his unique blend of grit and sophistication to bear in the courtrooms of Oregon, Washington, and beyond. Aggressive if necessary, measured where appropriate, and always diligent and prepared, John has amassed an impressive record of success defending employers. He has won summary judgment repeatedly, prevailed in front of juries, obtained full defense awards in arbitration, successfully litigated temporary restraining orders and preliminary injunctions, and has won on appeal where necessary.

Among his jury trial experiences, John defeated the Equal Employment Opportunity Commission in a religious accommodation case in the U. S. District Court, Western District of Michigan. In a recent arbitration, John delivered total vindication to his client in a multi-million dollar contract dispute.

John's current traditional labor practice focuses on labor arbitrations and unfair labor practice charges before the National Labor Relations Board, with a background in defending employers in lawsuits concerning unlawful picketing and breach of bargaining agreements.

When John advises and counsels employers, it is often in anticipation of near-certain litigation or combined with the development of facts as litigation proceeds. Typical issues in John's advice practice include non-competition agreements and other restrictive covenants, trade secret misappropriation, and employee leaves and accommodations. Whatever the issue, his approach tends to be creative, strategic, and carefully tailored to meet the client's objectives.

## Selected Matters

### Employment

- *Hutchison v. McFarland Cascade Pole & Lumber Co.*, 2016 U.S. Dist. LEXIS 79754 (D. Or., June 20, 2016)
- *Hinex v. Durham School Services, et al.*, 2013 U.S. Dist. LEXIS 107919 (C.D. Cal., July 29, 2013)
- *DesAutel v. Tetra Tech EC, Inc.*, 2012 U.S. Dist. LEXIS 11032 (E.D. Wa. 2012)
- *DesAutel v. Tetra Tech EC, Inc.*, 2013 U.S. App. LEXIS 24648 (9th Cir. 2013)
- *Reese v. Robert Bosch Corp.*, 2006 U.S. Dist. LEXIS 57159 (W.D. Mich. 2006)
- *Becker v. Am. Food & Vending, Inc.*, 2006 U.S. Dist. LEXIS 28266 (E.D. Mo. 2006)
- *EEOC v. Robert Bosch Corp.*, 169 Fed. Appx. 942 (6th Cir. 2006)
- *Moore v. Dept. of Veterans Affairs*, 2002 U.S. Dist. LEXIS 23772 (N.D. Ill. 2002)

### Unfair Competition

- *Currin v. Presidio Network Solutions*, No. 3:16-cv-02177-BR (D. Or., Mar. 7, 2018)
- *Jones v. All Star Staffing*, No.16CV41870 (Wash. Cty. Or., Feb. 1, 2017)
- *LKQ Corporation v. Thrasher*, 2011 U.S. Dist. LEXIS 54852 (N.D. Ill. 2011)
- *Londoff v. Walnut Street Sec., Inc.*, 209 S.W.3d 3 (Mo. App. E.D. 2006)

### Wage and Hour

- *Kiley, et al., v. MedFirst Healthcare Staffing*, 2018 U.S. Dist. LEXIS 29 (N.D. Ala., Feb. 23, 2018)
- *Berger, et al. v. DIRECTV*, 2015 U.S. Dist. LEXIS 128749 (D. Or., Aug. 21, 2015)
- *Londoff v. Walnut Street Sec., Inc.*, 209 S.W.3d 3 (Mo. App. E.D. 2006)

### Traditional Labor

- *McCaslin v. Int'l Bhd. of Teamsters, Local 135, et al.*, 2005 U.S. Dist. LEXIS 11405 (S.D. Ind. 2005)
- *Engineering Consulting Serv., Ltd. v. Int'l Bhd. of Operating Engineers, Local 150*, 2003 U.S. Dist. LEXIS 19348 (N.D. Ill. 2003)

## Recognition

- Named, The Best Lawyers in America®, 2020-2025

## Education

J.D., Loyola University Chicago School of Law, 1998, *cum laude*

B.A., Miami University, 1994

## Bar Admissions

Oregon

Illinois

Washington

## Courts

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 9th Circuit

Oregon Supreme Court

Illinois Supreme Court

Washington State Supreme Court

U.S. District Court, Western District of Washington

U.S. District Court, District of Oregon

U.S. District Court, Northern District of Illinois

U.S. District Court, District of Colorado

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Michigan

## Publications & Press

**Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

**Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

**Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

**Littler's Portland Office Continues Growth with the Addition of L&E Litigator John A. Berg**

*Littler Press Release*

May 15, 2014

**The Natural Reaction to False Accusations: A Catch-22 in Workplace Retaliation Claims**

*Chicago Bar Association Magazine*

2009

## **Speaking Engagements**

**Protected Concerted Activity Under Section 7 of the NLRA: How to Spot It, Honor It, and Avoid Unfair Labor Practice Charges**

May 19, 2021

**#NotYouToo: Conducting Workplace Investigations in the Aftermath of #MeToo**

Mid-Valley Society for Human Resource Management, Corvallis, OR

October 25, 2018

**Key Issues for Employers in the First Year of the New Administration**

Portland, OR

December 1, 2016

**Employee Defection and Trade Secrets**

Firm Presentation, Portland, OR

April 17, 2014

**ADA and FMLA Update: The Evolution of the Americans with Disabilities Act**

5th Annual Labor & Employment Law Conference - The Seminar Group, Portland, OR

October 25, 2013

**Top Ten Misconceptions That Get Employers Sued**

Firm Presentation, Portland, OR

October 17, 2013

**Hiring and Terminating Employees in the Current Economy**

8th Annual Fundamentals of Employment Law - Sterling Education Services, Portland, OR

June 20, 2013

**Accommodations and the ADA: Practical Solutions to Real Workplace Challenges**

Firm Presentation, Portland, OR

April 23, 2013

**Unlawful Workplace Harassment**

Employment Law Update - Lorman Education Services, Boise, ID

December 7, 2012

**Rightful Discharge**

Employment Law Update - Lorman Education Services, Boise, ID  
December 7, 2012

**ADA and FMLA Update: The Evolution of the Americans with Disabilities Act**

4th Annual Labor & Employment Law Conference - The Seminar Group, Portland, OR  
November 2, 2012

**Managing the Evolving Electronic Workplace**

Firm Presentation, Chicago, IL  
April 14, 2011

**Books & Book Chapters**

- Federal Venue, Federal Civil Procedure Practice Handbook, *Illinois Institute of Continuing Legal Education*, Chapter Co-Author, 2000