



David J. Sprong

Partner

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David is an experienced litigator and business law attorney who offers corporate clients practical, real-world legal advice in a variety of cutting-edge legal issues.

David litigates in the state and federal courts of New Jersey, New York and nationwide with an aggressive and transparent approach designed to achieve positive and cost-effective results consistent with his client's goals. He leads clients through the efficient conduct of fact and expert discovery, dispositive motions, hearings, arbitrations and trials, as well as the appeal process.

Where appropriate, David leverages his legal experience to create and recognize opportunities for favorable settlements. David's role as a litigator allows him to offer clients a critical perspective as to their contracts, policies, procedures and compliance issues. He also provides clients added value with his knowledge of the law, creative approach and comprehensive grasp of rules and procedure.

Services

- Labor & Employment
- Employment Litigation
- Staffing Law
- Litigation

Before Fox Rothschild

Prior to joining Fox Rothschild, David was a partner at a national boutique law firm. Before graduating from law school, he worked as a human resources professional.

Bar Admissions

- New Jersey
- New York

Court Admissions

- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York

- U.S. District Court, Southern District of New York

Education

- Seton Hall University School of Law (J.D., *magna cum laude*)
- Rutgers University (B.A.)

Publications

July 31, 2023

New Jersey Temporary Workers' Bill of Rights to Take Effect August 5

Employment Litigation

David guides clients in the defense of claims related to:

- Discrimination
- Whistleblower laws
- Retaliation
- Sexual harassment
- Wage and hour laws.

David also has extensive experience in litigating disputes over restrictive covenants that unfairly limit talent mobility, and in obtaining and opposing related applications for temporary restraining orders and preliminary injunctions. He protects his client's customer relationships, valuable trade secret and confidential and proprietary business information.

Representative Matters

- Defended medical institution against age discrimination claims under the New Jersey Law Against Discrimination.
- Defended medical institution against whistleblower claims under the New Jersey Conscientious Employee Protection Act.
- Defended lighting industry company against retaliation and breach of employment contract claims in New York federal court.
- Defended leading retail manufacturing company in COVID-19-related whistleblower lawsuit.
- Obtained preliminarily, injunctive relief for New Jersey construction supply company against former employee that set up a competing entity.
- Defended medical services company and new employees against claims by a competitor of breach of and interference with restrictive covenants.
- Prosecuting claims of injunctive relief and damages for financial services company against former senior employee.
- Prosecuted restrictive covenant case for staffing company against former partner who joined a competitor. Claims of breach of contract and theft of trade secrets were filed in New York Supreme Court, Commercial Division.

Commercial Litigation

David also regularly litigates complex commercial litigation matters involving:

- breach of contract and business torts
- shareholder rights and oppression
- technology disputes
- estate contests
- real estate agreements

Representative Matters

- Defended individual principals of financial services company in FINRA arbitration against shareholder oppression claims.

- Defended owners of horse farm property against claims of breach of contract involving a sale.
- Defended international food services company against claims brought by joint venturer who claimed rights to the client's real property and business.
- Defended media company against claims brought by investor while also pursuing counter claims for alleged damages to the business.

Employment Counseling

David counsels clients regarding compliance with ever-changing federal, state and local employment laws and regulations. He also advises on the formulation and implementation of best practices and policies designed to improve the workplace experience, prevent liability and enhance the bottom line.

David is also well-versed in the preparation, negotiation and enforcement of employment, compensation and separation agreements for c-level and other highly compensated employees. Routinely having to address restrictive covenant and other contract disputes in court, he offers practical perspective to the drafting of contracts aimed at enforcement, avoiding litigation and mitigating risk.

Representative Matters

- Advised national technology company regarding vendor contracts, employee and labor relations, and legal compliance matters.
- Advised leading retail manufacturing company regarding employee relations and compliance issues.
- Filed federal suit on behalf of CEO and shareholder regarding separation from sales training company. The case garnered significant media attention.
- Negotiated separation and severance package for departing CEO of U.S. division of international conglomerate.
- Advised financial services company on complex termination for cause of senior employee.
- Negotiated departure of partner on behalf of prominent NYC staffing company.
- Negotiated employment agreement, including ownership rights, for CEO and media personality.
- Defended a technology company from separate lawsuits filed by a former officer and senior employee that alleged the breach of an employment contract and failure to pay adequate compensation.

Staffing Law

David also has considerable knowledge of the staffing industry across many legal disciplines. Clients in this sector rely on his long-standing industry experience and informed legal counsel regarding talent retention, best practices and policies, joint employer liability, independent contractor classification, real estate and employment-related due diligence. David is an active part of the firm's Staffing Law practice, has served on the Board of Directors of the New Jersey Staffing Association and speaks frequently on staffing industry topics.

Representative Matters

- Defended numerous staffing company professionals against restrictive covenant claims filed by former employers in Cook County, IL.
- Defended staffing company against tortious interference claims brought by a competitor in New York Supreme Court, Commercial Division.
- Provided counsel to medical services staffing company regarding various employment and other legal matters.
- Prosecuted restrictive covenant case on behalf of staffing company against former partner for breach of contract and theft of trade secrets.
- Provided advice to national IT staffing company on compliance, talent retention, data privacy, cyber security and international legal issues.