



## Gerald T. Hathaway

Partner

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Jerry conducts labor and employment-related due diligence for major corporate transactions, often working with other major law firms who bring him in to join deal teams as a labor authority. He has decades of experience in collective bargaining, resolving workplace disputes and risk management.

He has saved clients millions of dollars by identifying undisclosed labor risks present in commercial deals and helps employers assess the risks and benefits of using artificial intelligence and algorithms in workplace decision-making.\*

His clients include private equity sponsors and funds, manufacturing and logistic companies, talent management companies and talent agencies, and major entertainment studios and networks. Jerry also represents companies in the luxury goods, staffing, logistics, transportation, retail, real estate and insurance industries.

### Labor Relations

Clients rely on Jerry's problem-solving skills in collective bargaining. He is adept at using the courts to put an end to unlawful and disruptive picketing. He is a skilled contract negotiator and regularly resolves highly contentious labor and employment disputes. Jerry's approach to collective bargaining is that he regards himself as being opposite unions, and not necessarily against them, a different appreciated by union leaders.

During workforce reductions and reorganizations, Jerry helps clients comply with the federal Worker Adjustment and Retraining Notification (WARN) Act and state counterpart laws, as well as the Older Workers Benefit Protection Act. He advises clients on layoffs of all sizes, from a few dozen employees to tens of thousands of employees.

### Litigation

Jerry defends his clients in employment disputes against charges brought before the Equal Employment Opportunity Commission and National Labor Relations Board as well as class actions and individual lawsuits. He is experienced with matters concerning:

- Discrimination
- Fair Labor Standards Act (FLSA)
- Americans With Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- National Labor Relations Act (NLRA)
- Labor Management Relations Act (LMRA)

- Prevailing Wage Law compliance (city, state and federal)
- Section 1981
- Title VII

*\*Results may vary depending on your particular facts and legal circumstances.*

## Services

- Labor & Employment
- Employment Litigation
- Employment Class Actions
- Labor Management Relations
- Employment Training
- Artificial Intelligence
- Entertainment & Sports Law

## Beyond Fox Rothschild

Jerry serves as pro bono labor and employment counsel for The Apollo Theater in Harlem and Black Theatre United. He also provides pro bono services for the The Ali Forney Center and TakeRoot Justice. Jerry is very active with the Lincoln Center for the Performing Arts' Counsel's Council in New York City. He is both an American Bar Association and New York Bar Foundation Fellow. Jerry is also a referee certified by the United States Soccer Federation, and he handles youth matches within the South Jersey Soccer League and the South Jersey Girls Soccer League.

## Before Fox Rothschild

Jerry was a partner in the labor and employment practice and a member of the artificial intelligence team at an international law firm.

## Bar Admissions

- New Jersey
- New York
- Pennsylvania

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Central District of Illinois
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- U.S. District Court, Northern District of Texas

## Education

- University of Pittsburgh School of Law (J.D., 1979)
- La Salle University (B.A., 1976)

## Board of Directors

- Board of Advisors, New York University School of Law Center for Labor and Employment Law, 2019-present
- Board of Visitors, University of Pittsburgh School of Law, 2009-present
- Board of Trustees, Walnut Street Theatre, 2016-2020
- Board of Trustees, LaSalle College High School, 2008-2014
- Board of Trustees, Cape May Stage, 2022-present
- Board of Directors, The Barrow Group Theater, 2001-2010 (President, 2005-2010)

## Memberships

- New York City Bar Association
- New York State Bar Association
  - Executive Committee, Commercial and Federal Litigation Section
  - Labor Section International Committee
  - Task Force on COVID-19 Immunity and Liability
- American Bar Association
  - Labor Section International Committee
  - International Section
- International Bar Association
  - Employment and Industrial Relations Law Committee
- U.S. Chamber of Commerce
  - Labor Relations Committee, 2017-present
- American Employment Law Council
- The College of Labor and Employment Lawyers, Fellow

## Honors & Awards

- **Selected to the list of attorneys ranked by *Chambers USA* for Labor and Employment in New York (2019-2023)**  
*This award is conferred by Chambers & Partners. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey*
- **Selected to "Best Lawyers" list for Employment Law - Management, 2011-24; Labor Law - Management, 2011-24**  
*This award is conferred by Best Lawyers. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*
- Recipient, Distinguished Alumni Award, University of Pittsburgh School of Law (2024)
- Inducted into Arts Hall of Fame, La Salle College High School, Philadelphia, PA (2023)
- **Selected to the "Super Lawyers" list for Labor and Employment Law in New York (2006-2023)**  
*This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

## Representative Matters

- In a \$750 million acquisition by a private equity fund, uncovered in due diligence an undisclosed labor liability that resulted in a price adjustment of \$12.5 million.
- In a deal within the manufacturing industry, discovered a provision within a collective bargaining agreement that constituted a felony under U.S. labor laws and strategized the process of getting to a resolution of the issue post-closing.
- Conducted national labor and employment due diligence in a \$4.9 billion acquisition by a foreign company. Mapped out post-closing labor strategy for plants that had poor relationships with production unions.
- Represented a major defense contractor in a dispute with one of its major unions on a single complex issue that had not been resolved for more than eight years despite being addressed by three other law firms. Strategized and then implemented a satisfactory resolution, obtained with court approval.
- Engaged by a private equity fund to take over the representation of a portfolio company in a long-lingering dispute with the EEOC. Resolved the matter for less than the amount of legal fees that would have been incurred to defend the case.
- Assessed WARN issues in a national layoff involving more than 35,000 employees at hundreds of sites, resulting in only one lawsuit that the company won on summary judgment.

- Assessed complex WARN issues in many dozens of national layoffs ranging in size from dozens to tens of thousands of employees.
- In a potential acquisition of a retailer by a private equity fund, uncovered a serious noncompliance with labor laws, which upon correction would have had a major impact on the target company's stated EBITDA. When the seller refused to make a price adjustment based on a multiple of EBITDA, the private equity fund declined to go forward with the deal.
- Assessed a major class action pending against a target company and concluded that it had little risk of succeeding. A year later, convinced a buyer of the same company that the risk presented by the class action was not material.

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