



## Gray I. Mateo-Harris

Partner

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Gray has more than a decade of experience representing employers in workplace litigation, handling labor relations disputes and providing strategic counsel on labor and employment law issues.

She advises clients in a broad range of industries including education, software and technology services, real estate, financial services, retail and manufacturing. Gray tailors her solution-oriented counsel to the particular needs of each client, considering the nuances of their business in order to deliver advice that is practical and in line with their goals, values and culture. Gray is the regional practice lead for the firm's Labor & Employment Department for the Chicago office, and co-chairs the firm's Trade Secrets & Restrictive Covenants practice group.

A native Spanish speaker from the Dominican Republic, Gray is adept at providing Spanish language representation to clients. She works fluently with Spanish language witnesses and documents, including document review, depositions, mediations, administrative proceedings, internal investigations and employment as well as various types of training.

### Litigation

Gray defends employers before state and federal courts through all phases of trial and appeals. She has handled cases involving restrictive covenants, contract and tort-based actions and claims arising from out of state and federal statutes, including:

- Illinois Human Rights Act
- Illinois Minimum Wage Law
- Illinois Wage Payment and Collection Act
- Illinois Educational Labor Relations Act
- Family and Medical Leave Act
- Equal Pay Act
- Americans with Disabilities Act
- Age Discrimination in Employment Act
- Title VII of the Civil Rights Act
- Fair Labor Standards Act.

Beyond the courts, Gray represents clients before administrative agencies such as the Equal Employment Opportunity Commission, the Illinois Department of Human Rights, the Illinois Department of Labor and the National Labor Relations Board (NLRB).

## Labor and Employment Law Counsel

Clients rely on Gray to manage virtually all stages of the employment relationship, including drafting offer letters and negotiating employment, restrictive covenant, severance and separation agreements. In addition to drafting and implementing workplace policies and procedures, she conducts employee and management training and advises on strategy development associated with workforce restructuring and union avoidance issues.

In the area of traditional labor law, Gray counsels on union organizing issues, election proceedings, collective bargaining, grievance and contract arbitrations, labor due diligence reviews, and unfair labor practice and other proceedings before the NLRB.

## Workplace Culture

Beyond delivering practical advice on workforce issues, Gray is a valuable resource to clients seeking to elevate their workplace culture with respect to issues of diversity and inclusion, implicit bias, gender discrimination and sexual harassment. She provides guidance on leadership and management training, employment policies and procedures and internal investigations.

## Services

- Labor & Employment
- Labor Management Relations
- Employment Litigation
- Employment Counseling, Policy Development & Audits
- Workplace Training
- Trade Secrets & Restrictive Covenants
- Wage & Hour Compliance
- Aviation
- Latin America

## Before Fox Rothschild

Prior to joining Fox Rothschild, Gray was a partner in the labor and employment department of a national AmLaw 100 firm.

## Beyond Fox Rothschild

Gray is a strong advocate for diversity and inclusion in all areas of her life, and believes deeply in the importance of giving back to her community. She has provided pro bono representation to several nonprofit organizations on employment matters, and has represented indigent clients as part of the Circuit Court of Cook County Domestic Violence Clinic and the Northern District of Illinois Judicial Settlement Assistance Program. Gray is actively involved with the National Employment Law Council (NELC), Illinois Hispanic Chamber of Commerce, the Hispanic Lawyers' Association of Illinois, the Hispanic National Bar Association, the Black Women Lawyers Association and the American Bar Association. She co-chairs the Diversity and Inclusion Committee of the Women's Coalition and serves on its board. Gray also serves as Vice Chair of the National Bar Association's Labor and Employment Section, the oldest and preeminent black attorney bar association. Gray also co-chairs the firms' Supplemental Mentorship Program for diverse attorneys.

Gray is a board member for The Chicago Committee (a nonprofit group whose mission is to advance minority attorneys in law firms). She is also a board member for the Illinois Equal Justice Foundation (IEJF) and serves on its Cannabis Working Group, which is tasked with spearheading grants for cannabis expungement. Most recently, Gray joined IEJF and the State of Illinois to announce the launch of New Leaf Illinois, an alliance of 20 organizations that will provide free legal and advisory services to help eligible Illinoisans clear their record of cannabis convictions.

Gray was selected to join the 2021 Class of Fellows for the Leadership Council on Legal Diversity (LCLD), which consists of more than 300 corporate chief legal officers and law firm managing partners who are committed to creating a more diverse and inclusive legal profession. She also volunteers with and mentors students interested in the legal profession through involvement with the University of Illinois College of Law, LegalTrek, the Hispanic Association of Colleges and Universities, the American Bar Foundation and the Diverse Attorney Pipeline Program.

Gray previously served as a hearing officer and board member for the Cook County Sheriff's Merit Board, presiding over disciplinary matters as well as candidate certification and promotional interviews. She also previously served as board member and co-chair of the personnel committee for Rape Victim Advocates, the largest rape crisis center in Illinois.

## Bar Admissions

- Illinois

## Court Admissions

- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Northern District of Illinois

## Education

- University of Illinois College of Law (J.D., *cum laude*, 2008)
  - Journal of Law, Technology and Policy, Notes Editors
- University of Illinois at Urbana-Champaign (B.S., *cum laude*, 2005)

## Memberships

- American Bar Association
- American Bar Foundation
- Black Women Lawyers Association
- Chicago Bar Association
- Diverse Attorney Pipeline Program
- Dominican American Midwest Association
- Hispanic Association of Colleges and Universities
- Illinois Hispanic Chamber of Commerce
- Hispanic Lawyers Association of Illinois
  - Former Law School Committee Co-Chair and Member
- Hispanic National Bar Association
- Illinois State Bar Association
- LegalTrek
- National Bar Association
- National Employment Law Council
- University of Illinois College of Law Black Law Students Association
- University of Illinois Latino/a Law Students Association
  - Scholarship Committee Member, Panelist, Mentor

## Board of Directors

- Chicago Committee on Minorities in Large Law Firms, Board Member
- Cook County Sheriff's Merit Board, Former Board Member
- Illinois Equal Justice Foundation, Board Member
- Resilience f/k/a Rape Victim Advocates
  - Former Co-Chair of Personnel Committee and Board Member
- National Bar Association
  - Labor & Employment Section, Vice Chair and Conference Committee Chair
- Women's Coalition
  - Co-Chair of Diversity & Inclusion Committee and Board Member

## Languages

- Spanish

## Honors & Awards

- Selected to the "Notable Latino Leaders" list by *Crain's Chicago Business* (2024)
- Selected to the Women of Influence list by *Chicago Business Journal* (2023)
- Received "Law Firm Champion Award" by Walgreens' Legal DE&I Recognition Program (2023)
- Named among the Notable Women in Law by *Crain's Chicago Business* (2022)
- Named among the Top Lawyers Under 40 by The Hispanic National Bar Association (2022)
- Selected to the "Super Lawyers" list for Employment & Labor in Illinois by *Super Lawyers* (2021-2026)
- "Emerging Lawyer," *Leading Lawyers* (2017-2019)
- Named to the "40 Under 40 Nation's Best Advocates" by the National Bar Association (2019)
- Named to Chicago's "40 Under Forty Illinois Attorneys to Watch" by the *Chicago Daily Law Bulletin* (2019)
- Selected to the "Rising Stars" list for Employment & Labor in Illinois by *Super Lawyers* (2016-2018)

## Representative Matters

- **Defense of restrictive covenant TRO and preliminary injunction matter filed by auto relocation company against former executive employee.** Prepared temporary restraining order, preliminary injunction (pre-hearing and post-hearing), motion to dismiss and procedural/discovery briefing. Successfully first-chaired oral argument of various discovery and procedural motions. Co-led strategy development, including the decision to forego depositions/document production and creatively negotiate with opposing counsel the dismissal of a second named defendant as well as Plaintiff's agreement not to use the remaining defendant's problematic fraud-based criminal conviction in exchange for our agreement not to use (or publicize) workplace violations ranging from sexual harassment to national origin discrimination and wage payment issues. First-chaired examination of several witnesses during two-week state court bench trial as well as the preparation of all trial materials. Received favorable rulings denying TRO and preliminary injunction following trial. Matter resolved below client authority following private mediation.
- **First-chaired depositions and written discovery process before leading a two-week breach of contract, New York Wage Law and ERISA arbitration on behalf of international employer resulting in a favorable 13-page award.** Defended SDNY appeal of attorneys' fees portion of the arbitration award. Researched and developed strategy for responding to unique appeal pursuant to the New York Convention (which essentially deals with appeals of arbitration awards involving foreign parties or foreign arbitration awards) and the implementing section of the Federal Arbitration Act (FAA). Prepared Response Brief, Motion to Strike and related pleadings challenging subject matter jurisdiction as the New York Convention did not apply to the parties (US Company and US permanent resident former employee) as well as because the applicable standard section of the FAA required the appeal to be filed in the NDIL (where the arbitration took place). Developed and carefully executed a bifurcated briefing process to avoid a fulsome brief on the merits at the SDNY stage. After settlement negotiations with an unreasonable opposing counsel failed, developed a creative workaround strategy that enabled foreign client to arrive at a favorable settlement significantly below authority with Plaintiff's father who was funding the lawsuit. Plaintiff ultimately accepted the settlement terms, including selling back her shares which was a key client goal.
- **First-chaired defense of breach of contract claim involving the clawback of former commercial banker's vested and unvested restricted shares and stock options premised on his purported violation of underlying restrictive covenants in the context of the heavily regulated and complex banking industry.** Prepared strategic Counterclaim for Declaratory Judgment. Negotiated with opposing counsel to limit ESI discovery which was problematic for client from a cost-savings/privacy perspective and similarly scheduled oral discovery so as to ensure senior executives were deposed first to increase settlement pressure. Successfully first-chaired oral argument of various discovery and procedural motions, including a critical and hotly disputed motion to compel un-redacted documents showing clawback efforts. Defended company representative and defendant employee depositions and deposed Plaintiff/President of Commercial Banking. Successful "takedown" of President at deposition prompted Plaintiff's counsel to cancel the CEO's scheduled deposition and issue his first substantive, written settlement demand letter. Resolved litigation at figure significantly below client authority.
- **Defense of Missouri state court litigation filed by former employee against large retailer and two of its managers alleging race and gender discrimination, retaliation and wrongful termination in violation of the Missouri Human Rights Act.** First-chaired contentious 2-day evidentiary hearing held pursuant to Defendant's Motion to Compel

Arbitration, which was granted in full. Potential to dismiss matter in light of employee's failure to initiate arbitration.

- **Conducted internal investigation into the then-CFO's allegations against the CEO, which included various claims under Illinois law such as, e.g., negligent/intentional infliction of emotional distress, hostile work environment, unethical conduct, workplace bullying, and other such claims.** Conducted sensitive, high-level investigation including document and policy review as well as witness interviews (i.e., C-Suite executives such as the CFO, CEO and HR Director). Facilitated face-to-face discussion with CFO and CEO leading to subsequent settlement discussions. Successfully resolved case below settlement authority inclusive of CFO's separation. Avoided potential class action claims resulting from similar conduct by CEO against other employees.
- **Defend client against federal NDIL litigation filed by former management employee alleging race (African American/Black) and sex (male) discrimination and retaliation. Conduct internal investigation in connection with the same which included witness interviews and extensive e-discovery.** Mount defense asserting basis for discharge was poor judgment in indiscriminately sharing passwords leading to fraudulent theft of company property for resale on the black market. After tense judicial settlement conference ending with parties being \$100,000 apart, launched further investigation into potential wrongdoing by Plaintiff for purposes of the after-acquired evidence defense. After obtaining key admissions in Plaintiff's deposition in connection with the after-acquired evidence defense and successfully preparing HR Business Partner for deposition so that no key admissions were obtained, Plaintiff's counsel withdrew his notices of deposition for five company witnesses (including Plaintiff's direct supervisor) and began pressing for settlement. Hours before Plaintiff's wife's deposition (with Plaintiff's medical providers' and new employer's depositions already scheduled), received significantly lowered settlement demand which client accepted.
- **Defend client against IDHR Charge filed by former executive alleging violations of the IHRA, including discrimination based on his national origin/ancestry (Indian), sex (male), sexual orientation (heterosexual), marital status (married) and disability (Type 1 Diabetes) as well as failure to accommodate disability and sexual harassment.** Conduct internal investigation in connection with the same which included witness interviews of various C-Suite executives as well as document review/production. Mount defense asserting basis for discharge was breach of confidentiality in divulging highly confidential and proprietary information in violation of existing policy. Further, termination supported by sexual harassment and other such claims by multiple subordinates against former executive. Received complete defense no cause finding following fact-finding conference. Received settlement demand reduced by 75% following no cause finding.
- **Extensively counseled major retailer client with respect to the FMLA and Illinois VESSA leave of absence processes in connection with their paralegal's absences and suspected abuses.** Carefully managed process to ensure compliance at every stage given litigious and sophisticated employee (i.e., paralegal). Given paralegal's failure to adhere to policies and legal requirements, counseled client on her separation and subsequently negotiated with opposing counsel pursuant to a demand letter. Convinced opposing counsel there was no basis for a lawsuit so that he ultimately declined to further represent paralegal. Case resolved with zero payment.
- **Conduct internal investigation at first-chair level regarding sexual orientation discrimination as well as whistleblower retaliation claims in the complex and heavily regulated pharmaceutical context, including conducting half-dozen witness interviews in collaboration with client.** Conduct document review in connection with analysis of claims leading to valuable contributions to strategy conferences with client and defense team. Successfully resolve matter at private mediation at less than half of available authority.
- **Defend complex seven count ADA, FMLA, defamation and ERISA case brought by a former in-house counsel, including developing novel arguments in support of our motion to dismiss all counts.** Draft well-supported and detailed motion to dismiss with respect to all counts, which was granted leading to 3 counts being dismissed inclusive of 1 dismissal with prejudice. Defeated motion for reconsideration and motion to amend complaint filings.
- **First-chaired the defense of a demand letter of a former employee alleging workers compensation retaliation under Illinois law, including conducting internal investigation (document collection as well as witness interviews) as well as investigation of former employee's Facebook profile** leading to analysis of the after-acquired evidence defense as well as the preparation of a thorough settlement letter that facilitated ongoing settlement discussions. Negotiated very favorable, nuisance value settlement with opposing counsel despite difficult facts.

- **Successfully defended retailer at demand letter stage in connection with sexual assault allegation by underage, current employee against senior management.** Following investigation determined employee complaint was credible and supported by evidence which also uncovered serial nature of sexual misconduct. Promptly resolved matter significantly below client authority without any exposure to public image including complaining employee's voluntary separation and no-rehire agreement.