



# Jason A. Cabrera

## Member

## Philadelphia

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Jason handles all aspects of labor and employment law: from counseling and advice, to collective bargaining and unfair labor practices charges, to single-plaintiff and class litigation before governmental agencies, arbitrators, and courts.

Jason helps clients avoid employment litigation altogether by offering regular counseling and advice, conducting reviews of policies or agreements, and engaging in negotiations with departed employees where necessary.

Employment litigation is often inevitable for most employers, and Jason has a wide variety of experience to assist clients with adversarial litigation. He has successfully defended discrimination and retaliation claims of all types before governmental agencies, arbitrators, and courts. He has successfully resolved whistleblower complaints and workplace safety citations before OSHA regulators and OSHA administrative law judges. He has sought and won injunctive relief against those who improperly retained or used a client's confidential information or trade secrets, and he has also defended clients who sought to oppose the attempted enforcement of overbroad agreements that unfairly restricted competition.

Jason also has considerable experience with traditional labor matters. Jason has successfully defended against unfair labor practice charges, sustained in arbitration the discipline or discharge of employees under a just cause standard, and engaged in negotiations for new collective bargaining agreements or mid-term adjustments during the course of a contract. Although injunctions in labor contexts are rare, Jason has successfully obtained injunctions prohibiting unlawful blocking during labor disputes.

Jason was named a Pennsylvania Super Lawyers "Rising Star" for employment litigation in 2020, 2021, 2022, and 2023. Jason was designated as "Ones to Watch" by Best Lawyers of America for labor and employment litigation in 2021 and 2022.

Jason earned his law degree, *magna cum laude*, from Rutgers University School of Law, and a certificate from the Graduate Fellowship Program in politics and government from the Eagleton Institute of Politics. Upon graduation, Jason received the Student Advocacy Award from the International Academy of Trial Lawyers. While in law school, Jason served as administrative editor of the *Rutgers Law Journal* and represented Rutgers Law in the American Association of Justice Student Trial Advocacy Competition. Jason earned his bachelor's degree in political science and international affairs from The George Washington University in Washington, D.C.

During law school, Jason served as an intern for the Honorable Ann Marie Donio, U.S. Magistrate Judge for the District of New Jersey.

## Experience

Served as U.S. counsel to a U.K.-based home furnishings retailer in the sale of its United States entity. This transaction drew on the experience of the firm's corporate, tax, labor and employment, employee benefits and executive compensation, and real estate attorneys.

## Practice Areas

- Employment Litigation
- Labor & Employment
- Trade Secrets, Restrictive Covenants, and Computer Abuse

## Education

- Rutgers University School of Law - Camden, J.D., *magna cum laude*, 2013
- George Washington University, B.A., 2004

## Bar Admissions

- Pennsylvania
- New Jersey

## Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court -- New Jersey
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- Middle District of Pennsylvania
- U.S. District Court -- Western District of Michigan
- U.S. Court of Appeals for the Fourth Circuit

## Affiliations

Philadelphia Diversity Law Group, Board Member

American Bar Association

New Jersey State Bar Association

Pennsylvania Bar Association

Philadelphia Bar Association

## Awards & Honors

- Selected to Pennsylvania Super Lawyers Rising Stars 2020 - 2023 lists. This award is conferred by Super Lawyers. A description of the selection methodology can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

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Represented Presbyterian Senior Living and its subsidiary, Pine Run Village, Inc., in the \$80.6 million acquisition from Doylestown Hospital of substantially all of the assets of a continuing care retirement community that included Pine Run Retirement Community and Pine Run Lakeview. This transaction drew on the experience of the firm's corporate, business litigation, health law, environmental, employee benefits, labor and employment, public and project finance, tax, and real estate attorneys.

Successfully defended a large retail client facing claims of discrimination, retaliation, tortious interference with employment, defamation, and intentional infliction of emotional distress. The dispute arose after the client received a report from a young, part-time employee that the plaintiff (her co-worker) made sexually inappropriate comments to her while at work. After an investigation, the company suspended the plaintiff and terminated his employment after he refused to agree to a last-chance agreement. Jason obtained dismissal of all but one claim on a preliminary motion, then obtained summary judgment on the last claim, and also obtained an order for costs against the plaintiff.

Obtained a full defense verdict, after a two-day arbitration trial, for a financial services client facing claims of race discrimination, disability discrimination, FMLA interference, and retaliation after terminating an employee just two weeks after she returned from an approved FMLA leave.

Won summary judgment in five cases brought against a single client on interrelated claims of race discrimination, sex and age discrimination, retaliation, hostile work environment, and intentional infliction of emotional distress.

Secured emergency injunctions to stop striking workers from blocking access to the premises of three distributors, including obtaining an order that the Sheriff of Philadelphia was required to enforce the injunction.

Successfully represented an international packaging solutions company in a case centering on the allegation that the client had hired a senior employee in violation of a non-compete agreement. The Cozen O'Connor team started depositions immediately in preparation for the TRO hearing two days later. As a result of our discovery efforts, the other side voluntarily dismissed their lawsuit. They had originally sought damages of seven figures; in the end, our client was not required to pay any damages as part of the settlement.

Won summary judgment, and defeated plaintiffs' Rule 56(d) motion, in a case in which two former employees whose employment was terminated as part of a reduction in force brought multiple claims against our client under 42 U.S.C. § 1981. In granting our motion, the court rejected the plaintiffs' claims that they had been coerced into signing severance agreements which released their claims and, instead, found that the plaintiffs knowingly and voluntarily waived their claims when they executed the severance agreements.

Secured dismissal of a complaint filed with the Occupational Safety and Health Administration by a former executive of our client, a proprietary software development company, alleging that his employment was terminated in violation of the Sarbanes-Oxley Act's whistleblower provisions. The complainant alleged that because our client was a contractor to public companies, the alleged unlawful scheme about which he blew the whistle would result in shareholder and public fraud. This dismissal thus represents a significant rejection of a former employee's attempt to expand whistleblower jurisdiction under the Sarbanes-Oxley Act.

Assisted in securing an injunction, issued under an exception to Pennsylvania state law generally precluding injunctive relief during labor disputes, against union picketers who impeded ingress and egress at a hospital construction site to protest our client's employment of non-union construction workers.

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