# David M. Gregory

Partner

Houston

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**D 713.226.1344**




David represents employers in disputes involving claims of wrongful termination, age, sex, disability, and race discrimination and retaliation, breach of employment contracts, wage and hour (FLSA) issues, noncompetes, unfair competition, and misappropriation of trade secrets.

## OVERVIEW

David's practice involves counseling clients to comply with employment laws, respond to issues raised by their current employees, and remain competitive. This includes helping them hire competitively and protect company assets and information from being improperly disclosed and used by former employees and competitors.

David represented a government unit before the U.S. Supreme Court in a case involving an alleged violation of the Fair Labor Standards Act's provisions on the required use of compensatory time. He helps obtain summary judgments in the Southern District Court of Texas and in Texas district courts in cases involving alleged violations of Title VII, ADA, the Texas Commission of Human Rights Act, and retaliation. David seeks and obtains temporary restraining orders and temporary injunctions in state and federal courts on behalf of clients seeking enforcement of noncompete, non-solicitation, and trade secrets, and also defends clients against similar claims.

## REPRESENTATIVE MATTERS

### Defending Against Claims of Discrimination, Harassment, and Retaliation

- Represented an oil field services company by obtaining summary judgment on a breach of contract and fraud claims.
- Represented a waste services company in Rhode Island state court and obtained a ruling that the noncompete was enforceable and had been breached.
- Represented a professional sports organization in defending claims of sexual harassment and FLSA violations.
- Represented a waste disposal company by obtaining summary judgment for a claim of workers' compensation discrimination.
- Represented a manufacturer of oilfield products and obtained a summary judgment in Texas state court against a claim of age discrimination by a former employee.
- Represented an oilfield services company and obtained a summary judgment in the Eastern District of Texas against claims alleging violations of the Americans with Disabilities Act.

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- Represented a major manufacturer and obtained summary judgment in the Southern District of Texas regarding alleged violations of Title VII for race discrimination and retaliation and state law claim of intentional infliction of emotional distress.
- Represented a premier distributor of beverages and obtained a motion to dismiss in the Southern District of Texas for alleged violations of Title VII for race and gender discrimination and retaliation.

**Noncompete/Non-solicit, and Trade Secret**

- Represented a waste services company by enforcing a noncompete agreement and established it was breached.
- Represented a health care client in the defense of a noncompete and non-solicitation enforcement by obtaining a summary judgment in the client's favor.
- Represented an oilfield services company in a trade secret lawsuit against a competitor and obtained a multimillion-dollar jury verdict.
- Represented a national client and obtained temporary and permanent injunctive relief from a Delaware court in a lawsuit involving claims for breach of contract and misappropriation of trade secrets.
- Represented an oilfield services company in a misappropriation of trade secrets case and obtained jury verdict in its favor.
- Represented a national client to seek and obtain injunctive relief to enforce a noncompete agreement.
- Represented an insurance brokerage company to protect its confidential information from misuse by a former employee and competitor.
- Defended a telemarketing company in a temporary injunction for an alleged unlawful hiring of a senior manager due to a covenant not-to-compete.

**Wage and Hour – FLSA**

- Represented a governmental unit in front of the U.S. Supreme Court regarding an alleged violation of the Fair Labor Standards Act concerning the required use of compensatory time.
- Represented and defended against the certification of a class of approximately 400 former employees seeking unpaid wages and commissions.
- Represented an oilfield services client in a collective action regarding alleged misclassification of independent contracts as employees in both federal court and arbitration proceedings.
- Represented an oilfield services client in a collective action regarding alleged misclassification of exempt employees and improper bonus payments.
- Represented an oilfield services client in an arbitration concerning alleged misclassification of an independent contractor.

**ERISA Litigation**

- Represented a waste disposal company in obtaining a summary judgment in an ERISA claim seeking the denial of benefits.
- Represented an industrial client in a denial of benefits claim.
- Represented an industrial manufacturing client in a denial of benefits claim by out-of-network providers.

## AWARDS

- *Best Lawyers in America*®: Litigation: Labor & Employment (2016-2027), Employment Law – Management (2020-2027)

- *Super Lawyers*® Texas, Employment & Labor (2012-2020, 2025)

## TOP AREAS OF FOCUS

- Employment Counseling
- Labor + Employment

## ALL AREAS OF FOCUS

- Corporate Espionage Response Team
- Employment Counseling
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Litigation + Trial
- Noncompete + Trade Secrets
- OSHA + Workplace Safety
- Wage + Hour Matters

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Houston Bar Association Labor and Employment Section
- Member, State Bar of Texas
- Board member, The Living Bank; former board chair, The Living Bank
- Member, Chapelwood United Methodist Church
- Former board member, Houston Texas Exes Chapter
- Adjunct professor, Houston Baptist University (2010-Present)

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- South Texas College of Law Houston, J.D., *summa cum laude*, 1998, member, *South Texas Law Review*; Order of Lytae
- The University of Texas at Austin, B.A., 1993

### CERTIFICATIONS AND MEMBERSHIPS

- Board Certified, Labor and Employment Law, Texas Board of Legal Specialization

### BAR ADMISSIONS

- Texas

### COURT ADMISSIONS

- U.S. District Court, Northern District of Texas

- U.S. District Court, Southern District of Texas
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Western District of Texas

**CLERKSHIPS**

- Brief attorney, Fourteenth Court of Appeals, 1998

## SPEAKING ENGAGEMENTS

- Speaker, “Houston Litigation Breakfast Briefing,” Locke Lord, October 2, 2024
- Speaker, “Legal Issues Employers Face in 2024: What You Need to Know,” Locke Lord, February 21, 2024.
- Speaker, “Litigation Breakfast Briefing,” Locke Lord, September 21, 2023.
- Speaker, “The Top Ten List: Things Employers Need to Know,” Locke Lord, February 15, 2023.
- Speaker, “2020 FLSA Update and Strategies to Address Risks,” Locke Lord, February 27, 2020.

## PUBLICATIONS

- Author, “DOL Expected to Raise the Salary Basis Threshold,” *Locke Lord*, May 2022.
- Co-author, “Key Questions for Employers Facing COVID-19 (FAQ),” *Locke Lord QuickStudy*, July 20, 2020.