



Blythe E. Lovinger

Partner

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About

Equally adept at helping businesses avoid employment problems as she is in resolving claims and disputes when they arise, Blythe Lovinger is a trusted counselor and accomplished litigator who partners with employers to address all their workplace challenges.

Blythe focuses her efforts on practical problem-solving and workable solutions—not esoteric legalese—developing strategies and approaches tailored to each client’s specific organizational structure, culture, and business goals.

Blythe has more than 25 years of nationwide litigation experience handling employment disputes before federal and state courts, administrative agencies, and arbitration panels. Effective at obtaining resolutions that achieve her client’s immediate objectives while also protecting their long-term interests, Blythe defends employers and senior executives against claims of discrimination, harassment, and retaliation, as well as actions brought under the Fair Labor Standards Act and state and local discrimination and wage and hours laws, New York Labor Law, and the Family and Medical Leave Act. She also has extensive experience prosecuting and defending cases involving trade secrets, restrictive covenants, unfair competition, and related business tort claims.

Working seamlessly with in-house business and legal teams, Blythe advises clients on day-to-day employment issues, including disciplinary actions and terminations, employment, consulting, and separation agreements, employment policies and practices, reductions-in-force, wage and hour auditing, investigations of alleged harassment and other employee misconduct, and litigation avoidance.

Blythe’s ability to communicate and connect with individuals at all levels of an organization makes her particularly effective when providing in-person and virtual anti-harassment training, implicit bias and diversity training, and other specialized client training programs. She brings the same talents to thorough internal workplace investigations, delivering actionable advice to management regarding her findings and recommendations.

A prominent supporter of women’s initiatives in the legal profession, Blythe is past president of the New York Chapter of the Coalition of Women’s Initiatives in Law and serves on the Steering Committee of the Association of Corporate Counsel – NYC Women’s Group.

Experience

Successfully handled an appeal before the Supreme Court of the State of New York, Appellate Division – First Department after securing the dismissal of a lawsuit filed in 2015 involving alleged age and sex discrimination in New York State court with claims brought under California law. The appellate court unanimously affirmed the trial court's decision dismissing the complaint on summary judgment.

Defended a large commercial real estate firm in an action alleging age and sex discrimination in New York State court with claims brought under California law. After significant discovery and a motion for summary judgment, the court dismissed the complaint in its entirety.

Successfully obtained dismissal of claims alleging discrimination brought by a group of employees against their advisors at a Bank in two related cases pending in Supreme Court, NY County prior to discovery. The plaintiffs have filed an appeal with New York's Appellate Division, First Judicial Department.

Defended a major New York newspaper in an employment discrimination action brought by two reporters involving allegations of disparate treatment based on race, hostile work environment and retaliation; the court granted summary judgment dismissing all claims.

Defended a major New York newspaper in an employment discrimination action involving allegations of disparate treatment based on race and gender, sexual harassment, constructive discharge, retaliation and violations of the Equal Pay Act; the court granted summary judgment dismissing all claims.

Represented a major hedge fund in an action against a competitor hedge fund and several other corporate and individual defendants in the U.S. District Court for Southern District of New York for, among other claims, theft of trade secrets relating to trading of mortgage-backed securities. After obtaining an injunction against the defendants and engaging in significant expedited discovery, there was a settlement of the matter on terms favorable to the client.

Defended a multi-million dollar lawsuit against a nationally recognized investment banking and asset management firm involving allegations of age discrimination, violations under New York State's Whistleblower act and breach of contract brought by a former senior analyst. Following a motion to dismiss, the trial court dismissed all of the plaintiff's claims and New York's Appellate Division, First Department, affirmed the dismissal.

Represented a leading provider of in-store advertising, promotion and sales merchandising services in a disability discrimination and Family and Medical Leave Act (FMLA) retaliation action brought by a former employee and obtained summary judgment dismissing all claims. The case was subsequently appealed and the United States Court of Appeals for the Second Circuit affirmed the dismissal.

Defended a class action brought by the U.S. Equal Employment Opportunity Commission alleging sexual harassment and pregnancy discrimination against a leading watch manufacturer. Obtained a settlement of the matter on terms favorable to the client.

Represented a national apparel designer in connection with numerous administrative complaints involving allegations of employment discrimination and secured dismissals in connection with these complaints.

Defended a class action brought by the U.S. Equal Employment Opportunity Commission alleging

sexual harassment against a cable and satellite television news channel. After engaging in discovery and taking multiple depositions. Obtained a settlement of the matter on terms favorable to the client.

Represented a portfolio manager in a JAMS arbitration brought by the former employer alleging breach of restrictive covenants. Following a lengthy arbitration hearing, the arbitrator issued an award denying all of the claimant's claims including a request for \$27 million in damages.

Represented a major financial institution in an NASD arbitration seeking to enforce restrictive covenants against a former financial consultant. After a multi-day arbitration hearing, the panel of arbitrators granted the relief sought by the client.

Negotiation and drafting of employment agreements, consulting arrangements and severance/settlement agreements, and disputes relating to same, involving senior executives of leading investment management and financial services firms.

Honors

Blythe was selected for inclusion in 2018-2024 in the Employment Law area as one of *The Best Lawyers in America*® (Woodward/White, Inc.). A description of the selection methodology can be found at www.bestlawyers.com/methodology.

She was featured as a local labor and employment litigation star in *Benchmark Litigation* 2023. A description of the selection methodology can be found at <https://benchmarklitigation.com/Methodology/UnitedStates>.

Blythe was selected for inclusion in the 2018-2023 New York *Super Lawyers* lists, issued by Thomson Reuters. A description of the selection methodology can be found at www.superlawyers.com/about/selection_process.html.

She was listed in 2017 in the Labor & Employment – Disputes area and in 2023 in the Labor & Employment – Defense area by *US Legal 500*, a Legalease Publication. A description of the selection methodology can be found at www.legal500.com/assets/pages/about-us/how-it-works.html#rank.

No aspect of these advertisements have been approved by the Supreme Court of New Jersey.

Affiliations

Coalition of Women's Initiatives in Law, New York Chapter, president, 2022

Association of Corporate Counsel, NYC-Women's Group, Steering Committee

New York City Bar Association, Labor and Employment Law Committee, former member

Related Services

Labor and Employment Counseling and Compliance

Employment Litigation

Litigation

Trade Secrets and Restrictive Covenants

Employment and Employee Benefits

Education

The George Washington University Law School, J.D., 1995

Cornell University, School of Industrial and Labor Relations, B.S., 1992

Admissions

New York, 1996

New Jersey, 1995

Courts

U.S. Court of Appeals–Second Circuit

U.S. District Court–Southern District of New York

U.S. District Court–Eastern District of New York

U.S. District Court–District of New Jersey