

## LAWRENCE B. BERG

SHAREHOLDER



### AREAS OF PRACTICE

Employment Law  
Miscellaneous Professional Liability  
Insurance Agents & Brokers Liability

### CONTACT INFO

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### ADMISSIONS

New Jersey  
1988

U.S. District Court of New  
Jersey  
1987

U.S. Court of Appeals 3rd  
Circuit  
1988

U.S. Supreme Court  
1989

### OVERVIEW

Larry's practice is devoted to the defense of employers in employment-related claims involving allegations of discrimination based upon age, gender, race, sexual orientation and disability, as well as claims of retaliation for whistle blowing. This includes the representation of employers in litigated claims and in claims proceeding through arbitration and mediation. Larry specializes in the defense of Laidlow claims filed against employers for workplace injuries. He also handles ADA public accomodation cases.

A trial attorney for over 20 years, Larry has litigated a variety of cases in the New Jersey state and federal courts and before administrative agencies including the EEOC, New Jersey Division on Civil Rights and the New Jersey Department of Labor. He has provided legal counsel to businesses ranging in size from small "mom and pop" businesses to Fortune 250 companies with regard to the establishment of appropriate policies, investigation of claims of discrimination and defense of claims.

Larry has appeared numerous times before the New Jersey Appellate Division and has argued before the New Jersey Supreme Court.

### EDUCATION

Southern Methodist University  
School of Law (J.D., 1987)

Northwestern University (B.A.,  
1984)

### THOUGHT LEADERSHIP

#### The Use of Standing as a Shield to Public Accommodation Claims

Mount Laurel  
Employment Law  
January 29, 2021  
Defense Digest, Vol. 27, No.

## **Discrete adverse employment actions cannot be aggregated to claim a continuing violation under CEPA.**

**Mount Laurel  
Employment Law  
January 11, 2021**

The plaintiff retired from his position as a State Trooper and thereafter filed a whistleblower (CEPA) claim alleging that certain employment actions were in ret Case Law Alerts, 1st Quarter, January 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent developments of inte

## **Employment decisions made in New Jersey are insufficient to give rise to a NJLAD claim for an out-of-state employee.**

**Mount Laurel  
Employment Law  
January 11, 2021**

The plaintiff was a resident of the state of Washington, and she worked out of her home office as a sales manager for a New Jersey corporation. Case Law Alerts, 1st Quarter, January 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent developments of inte

## **The impact of potential individual liability on removal of action to federal court.**

**Mount Laurel  
Employment Law  
January 11, 2021**

The plaintiff filed a complaint in state court alleging violations of the New Jersey Law Against Discrimination (NJLAD) and naming his employer and certain indiv Case Law Alerts, 1st Quarter, January 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent developments of inte

## **The plaintiff's failure to name her employer in claims under Title VII and the ADEA is fatal to her claim.**

**Mount Laurel  
Employment Law  
January 11, 2021**

The pro se plaintiff alleged that during her employment she was denied promotions and demoted due to her race, religion and age. Case Law Alerts, 1st Quarter, January 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent developments of inte

## **CLASSES/SEMINARS TAUGHT**

*Common Law Claims In The Employment Law Context*, presented to Zurich Insurance Group

*Disparate Impact Following The Supreme Court's Decision in Smith v. Jackson, Mississippi*, presented to American International Group

## **PUBLISHED WORKS**

"The Use of Standing as a Shield to Public Accommodation Claims," *Defense Digest*, January 2021, Vol. 27, No. 1

*Legal Updates for Insurance Agents & Brokers*, regular contributor, 2018-present

*Case Law Alerts*, regular contributor, 2006-present

"New Jersey Workers' Compensation 'Exclusive Remedy Option' - Setting The Immunity Standard," *Defense Digest*, Vol. 9, No. 3, September 2003

"Meeting the Employee More Than Halfway: The Interactive Process for Finding Reasonable Accommodation," *Defense Digest*, Vol. 9, No. 2, June 2003

"After Acquired Evidence: 'The Glass Is Only Half Full'," *Defense Digest*, Vol. 9, No. 1, February 2003

"One Further Step Beyond Individual Liability Under CEPA," *Defense Digest*, Vol. 6, No. 1, February 2000

## RESULTS

### **New Jersey LAD Protection Does Not Apply to Plaintiff's EPL Claim**

#### **Employment Law**

**May 11, 2017**

Obtained summary judgment in an EPL matter where the plaintiff, a former employee of the defendant company, claimed that she was terminated because of her age in violation of the New Jersey Law Against Discrimination (LAD), N.J.S.A. 105-12. The defendant company had an office in New Jersey, but the plaintiff worked out of her home in Massachusetts. According to the defendant, in the seven years prior to her termination, she had not traveled to New Jersey for any work-related reason.

### **Plaintiffs Unable to Pursue LAD Claims**

#### **Employment Law**

**April 21, 2016**

Obtained summary judgment in a matter in Camden County, New Jersey. The three plaintiffs, who were formerly employed by the defendant company as painters and/or painter's helpers and were members of a union, argued that they were laid off and not rehired due to their age, a violation of the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-12. The defendant argued that the plaintiffs' claims were preempted by the Labor Management Relations Act, 29 U.S.C.A. Section 185(a) (LMRA) and the National Labor Relations Act, 29 U.S.C.A.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Defense verdict for medical provider in suit alleging discharge for whistle blowing.

Represented a hospital in suit alleging age discrimination and violation of state and federal wage and hour laws.

Defense of auto dealership in reverse discrimination claim.

Defendant granted summary judgment in case against school district because plaintiff failed to comply with statute of limitations.

Secured voluntary dismissal of retaliation/wrongful discharge suit against a bank.

Represented a condominium association with regard to failure to accommodate disabled resident with regard to the use of common facilities.