

PANELIST PROFILES

13TH ANNUAL UTAH FALL EMPLOYMENT LAW SEMINAR WEDNESDAY, NOVEMBER 13, 2024



JASON D. BOREN

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Jason D. Boren is the Managing Partner of the firm's Salt Lake City office. He is an experienced litigator at both the trial and appellate levels. His litigation practice focuses on complex civil and business litigation disputes involving a wide variety of matters including corporate governance and control, employment, breach of contract, real estate and construction, receivership litigation, intellectual property and false affiliation claims. He also has successfully handled GRAMA appeals and public procurement litigation for the Utah Communications Authority against unsuccessful vendors.

Jason has unique experience with protests under the state procurement code and related litigation of public records requests and decisions. Jason secured a winning outcome on issues of first impression before the Utah Supreme Court.

Jason also has extensive experience with corporate governance disputes and dissenter's rights cases. Jason has represented officers, directors, corporations and shareholders in cases involving breaches fiduciary duty, breaches of contract, conversion, conspiracy, dissolution and appraisal of shares pursuant to the Utah dissenter's rights statute. Jason is one of a few lawyers in Utah who has handled a dissenters' rights appraisal proceedings through trial.

Jason's employment practice includes representation of employers in actions involving age discrimination, sexual harassment, failure to accommodate, trade secrets, retaliation, FMLA, breach of non-solicitation, noncompetition and non-disclosure agreements, wrongful discharge, employment tort claims, including claims for defamation and emotional distress, and employee benefits and disputes arising under ERISA.

Jason's real estate litigation practice includes representation of clients in disputes involving construction, condemnation, landlord/tenant, zoning, premises liability, easements, developer liability, real estate broker and agent liability, foreclosure, and quiet title actions.

Jason represents clients in state, federal, and appellate courts and defends them against administrative charges before the Utah Labor Commission, Equal Employment Opportunity Commission, Department of Labor, National Labor Relations Board and Occupational Safety and Health Administration. He also represents clients before the Utah Public Service Commission, the Utah Division of Real Estate, the Utah Division of Occupational and Professional Licensing and the Utah Insurance Division.

Jason serves as outside general counsel for Utah to a large medical professional liability insurance company.

Since 2005, Jason has been recognized annually as one of Utah's "Legal Elite" in litigation in Utah Business magazine.

At Ballard Spahr, Jason has served in various leadership roles including hiring partner for the Salt Lake City office, and a member of the firm's Allocation Committee.



NIMA DAROUIAN

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Nima Darouian is an experienced employment litigator in Ballard Spahr's Litigation Department. He has extensive experience litigating complex matters in state and federal courts, and has defended some of the largest companies in the United States in their employment litigation claims.

Nima represents employers in all areas of employment litigation, with an emphasis on defending companies against wage and hour class and representative actions, including under the Private Attorneys General Act (PAGA). Nima regularly works with employers in defending against allegations of unpaid wages and overtime, off-the-clock work, time rounding, failure to reimburse, inaccurate wage statements, meal and rest break violations, and worker misclassification. Nima has defended employers against challenges to their compensation structures as well, including compensation plans providing for commissions, piece-rate pay, and bonuses. Nima's class action and PAGA experience includes litigating cases in which the number of employees at issue ranged from under 100 employees to over 15,000 employees.

Nima also defends employers in single-plaintiff cases involving allegations of harassment, retaliation, discrimination, and wrongful termination. Further, Nima defends companies in cases concerning breach of employment agreements, breach of the duty of loyalty, employee trade secret misappropriation, defamation, invasion of privacy, unfair competition, and the Worker Adjustment and Retraining Notification (WARN) Act. Nima has obtained summary judgment on behalf of companies on numerous occasions.

Nima has tried to verdict several cases in both state and federal courts.

Nima advises clients on best practices regarding personnel policies and practices, including hiring, compensation, promotions, meal and rest breaks, arbitration agreements, job classifications, performance evaluations, corrective actions, leaves, and terminations. Nima works with clients that range from startups to Fortune 500 companies in a wide range of industries, including hospitality, transportation, manufacturing, and life sciences.



CHARLES FROHMAN

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Charles Frohman is a labor and employment advisor and litigator who counsels employers on the full range of employment matters, including policies, confidentiality and noncompete agreements, independent contractor issues, wage and hour questions, and disciplinary and termination matters. Charles has extensive individual, class, and collective action experience representing employers and management in employment litigation of all types, including commercial, wage-and-hour, whistleblower, discrimination, and retaliation claims in state and federal courts, administrative agencies, and arbitration.

Charles also represents companies in transactional matters, with a focus on employment issues in mergers and acquisitions. Charles is a member of the Diversity, Equity, and Inclusion Group, and has helped large, national employers assess and implement their DEI policies and practices.

Charles has represented clients across numerous industries, including consumer products, financial services, health care, hospitality, information technology, manufacturing, and government entities. Charles has litigated all types of state and federal employment matters, including:

- Wage-and-hour class and collective actions
- Discrimination
- Whistleblower and retaliation
- Restaurant tip-pooling
- Noncompete agreements and temporary restraining orders
- Breach of contract
- Shareholder disputes