



TRICIA B. O'REILLY

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Tricia B. O'Reilly is chair of the firm's Labor and Employment Law Practice Group. Ms. O'Reilly is an accomplished litigator who has handled a broad spectrum of employment law and business litigation matters for the firm's clients. She has litigated cases in federal and state court involving claims for wrongful discharge, breach of employment contracts, restrictive covenants and trade secrets, alleged discrimination and retaliation under the Title VII, ADA, NJLAD, and other federal and state anti-discrimination and whistle-blower statutes, commercial contract disputes, shareholder oppression, unfair competition and fraudulent business practices claims. Ms. O'Reilly regularly counsels clients in making decisions to minimize litigation risk. She has extensive experience in conducting internal investigations on behalf of employers into allegations of wrongdoing. Ms. O'Reilly regularly speaks and writes on current legal issues in her fields of practice.

Ms. O'Reilly has represented clients in higher education and various other industries including, financial services, pharmaceuticals, grocery and specialty foods, construction, paper manufacturing, insurance, chemical, energy, computer software, and real estate.

Prior to joining Connell Foley in 1994, Ms. O'Reilly served as a Law Clerk to the Honorable Nicholas H. Politan, former United States District Court Judge for the District of New Jersey.

Representative Experience

In some of Ms. O'Reilly's employment law matters, she has:

- Obtained a verdict of no cause on claims that the firm's client breached an employment contract and an implied promise of employment to the plaintiff employee;
- Obtained a verdict of no cause on claims that the firm's client discriminated against an employee based upon an alleged handicap; in that same litigation obtained a verdict of no cause on tort claims asserted against individual defendants;
- Obtained a verdict of no cause on claims that the firm's client discriminated against six employees on the basis of their national origin and religion; in that same litigation, obtained a verdict against one of the plaintiffs on the employer's counterclaim for conversion, breach of duty of loyalty and invasion of privacy;
- Obtained a verdict of no cause on claims that the firm's client discriminated against a female employee on the basis of gender in the non-renewal of her term employment contract;
- Obtained summary judgment on claims that the firm's client discriminated against the plaintiff on the basis of his national origin and religion;
- Obtained summary judgment on claims that the firm's client discriminated against a female employee on the basis of pay and failure to promote her;
- Obtained a favorable settlement during trial on behalf of the firm's client on claims of race-based harassment brought by two employees;
- Obtained a favorable settlement during trial for the firm's client on claims of sexual harassment brought by a female employee;

Practice Areas:

Labor and Employment Law
Business Litigation

Admitted to Practice:

State of New Jersey
State of New York
United States Court of Appeals for the Third Circuit
United States Court of Appeals for the Federal Circuit
United States District Court for the District of New Jersey
United States District Court for the Eastern District of New York
United States District Court for the Southern District of New York

Education:

University of Notre Dame (B.B.A., with honors, 1986)
St. John's University School of Law (J.D., *magna cum laude*, 1992)

Affiliations

The Association of the Federal Bar of the State of New Jersey
Essex County Bar Association
New Jersey State Bar Association

ROSELAND

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- Obtained a temporary restraining order and preliminary injunction for the firm's client, a developer of proprietary computer software technology, on claims that a former employee breached his restrictive covenant;
- Obtained a temporary restraining order and preliminary injunction for an international construction company on claims that a competitor was pirating its employees and that such former employees were in breach of their confidentiality agreements;
- Obtained a temporary restraining order on behalf of the firm's client, a provider of software for the maintenance of electronic medical records, against a former employee who accepted employment with a competitor;
- Conducted several internal investigations for clients of the firm on a wide variety of issues, including allegations by a third party of wrongdoing by senior management; sexual harassment and retaliation claims brought by current employees; whistleblower issues brought by former employees; and allegations of mismanagement and violation of company policy by a management team administering an internal program for the employer.

Published Decisions

- Fritzky v. Aetna Health, Inc., 2010 WL 1186226, D.N.J., March 24, 2010 (Civil Action No. 08-5673 (WJM).)
- Thomasian v. New Jersey Institute of Technology, 2009 WL 260791, D.N.J., February 03, 2009 (Civil Case No. 08-2218 (FSH).)
- DeVito v. Aetna, Inc., F.Supp.2d --, 2008 WL 482847, D.N.J., February 25, 2008 (Civil Action No. 07-0418 (FSH).)
- Raab v. Borough of Avalon, 392 N.J. Super. 499 (April 30, 2007)
- Aventis Pharmaceuticals, Inc. v. Barr Laboratories, Inc., 411 F.Supp.2d 490 (D.N.J. 2006)
- In re Aventis Pharmaceuticals, Inc., 372 F.Supp.2d 430 (D.N.J. 2005)
- Tzannetakis v. Seton Hall University, 344 F.Supp.2d 438 (D.N.J. 2004)
- Kvaerner Process, Inc. v. Barham-McBride Joint Venture, 368 N.J. Super. 190 (App. Div. 2004)
- Howard Heck and Associates, Inc. v. United States, 134 F.3d 1468 (Fed. Cir. 1998)
- Howard Heck and Associates, Inc. v. United States, 37 Fed.Cl. 245 (1997)
- General Elec. Co. v. Nintendo Co., Ltd., 983 F.Supp. 512 (D.N.J. 1997)
- New Jersey Auto. Ins. Plan v. Sciarra, 103 F.Supp.2d 388 (D.N.J. 1998)
- National Utility Service, Inc. v. Huntsman Chemical Corporation, 70 F.Supp.2d 496 (D.N.J. 1999)

Publications

- Co-Author, "New Jersey Joins A Growing Number of Jurisdictions in Expressly Prohibiting Discrimination On The Basis Of Gender Identity Or Expression" published in *The Metropolitan Corporate Counsel* (July/August 2007)
- Co-Author, "LAD expansion: Gender identity and gender expression," published in *In Re: The Magazine from New Jersey Lawyer* (March 26, 2007)
- Co-Author, "New Jersey Conscientious Employee Protection Act is Amended," published in *The Metropolitan Corporate Counsel* (November 2004)
- Co-Author, "Developing and Enforcing Agreements to Arbitrate Employment Disputes," published in *The Metropolitan Corporate Counsel* (August 2002)
- Author, "Public School Financing Reform: Renewed Interest in the Courthouse but will the Statehouse Follow Suit," 65 *St. John's Law Review* 467 (1991)

Professional Activities

- Speaker, "Navigating NJ's Paid Family Leave" New Jersey Business & Industry Association Conference (NJBIA) (May, July, November 2009)
- Member, Merit Selection Panel for the Appointment of Full-Time United States Magistrate Judge
- Panelist, "A View from the Federal Bench: Perspectives on Construction Disputes in the Year 2006 and a Review of Recent Trends and the New Rules That Will Impact Construction Disputes in the Federal Courts" Construction SuperConference, San Francisco (December 2006)
- Adjunct Professor, New Jersey Institute of Technology, Legal and Ethical Issues in Business (Fall Semester 2005)

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