



Case Law and EEOC Update

*Presented by: Robert Shearman, Esq., Kyle Dudek, Esq.,
Robert Weisberg, Esq., Benjamin Yormak, Esq.*





Robert C. Shearman

Stockholder

robert.shearman@henlaw.com

Phone: 239-344-1160

Fax: 239-344-1501

Robert C. Shearman is chair of the Tort and Insurance Litigation practice. He is Board Certified in Civil Trial Law and concentrates his practice in the defense of tort, civil rights, employment, and real estate claims. He is also a Florida Supreme Court certified civil mediator. Bob represents numerous public and private entities with respect to constitutional claims, wrongful termination, discrimination, and harassment matters. He also represents numerous law enforcement agencies and officers and serves as attorney for the Lee County Sheriff's Office Civil Service Board. In addition to litigating in state and federal court, Bob practices extensively before federal, state and administrative agencies. Additionally, he represents real estate professionals in civil litigation and administrative actions defending errors and omissions claims.

Bob provides preventative harassment and discrimination training for employers frequently lectures on law enforcement liability, employment law, real estate, and tort litigation, and has been published in employment law journals. He also is a regular speaker at Henderson Franklin's HR Law & Solutions educational seminar. Prior to working with Henderson Franklin, Bob practiced maritime law in Miami, Florida, representing vessel insurers, manufacturers, and shipyards.

Bob has been recognized by *Florida Super Lawyers*® magazine every year since 2012, *Best Lawyers in America*® (2017—2018), and *Florida Trend Magazine's* Legal Elite (2013, 2016—2018).

Bob is married with three children. When not working, he enjoys cycling, golfing, boating and watching Florida State University sports.

Professional and Civic Affiliations

In the community, Bob is a member of the cabinet and Board of Directors of the United Way of Lee, Hendry, Glades, and Okeechobee, Inc. and served as the 2019 Campaign Co-Chair. He was elected to several terms as president of his homeowners' association and of the Southwest Florida Seminole Club, where he currently serves on the Board of Directors. Bob is an alumnus of Leadership Lee County, a former Big Brother, and served as a trustee of the Calusa Nature Center and Planetarium. He has organized numerous golf and fishing tournaments to benefit local charities.

Bob is a past president of the Southwest Florida Chapter of the Federal Bar Association and a former member of the Inns of Court, Calusa Chapter.

Education

- Emory University, B.A.
- Florida State University, J.D., *with honors*
- Admitted to the Florida Bar

Practice Areas

- Employee Benefits and Employment Contracts
- Employment
- Mediation & Arbitration
- Real Estate Litigation
- Tort & Insurance
- Real Estate Litigation



Kyle C. Dudek

Associate

kyle.dudek@henlaw.com

Phone: 239-344-1237

Fax: 239-344-1494

Kyle Dudek is an associate in the Tort & Insurance Litigation division. A large part of his practice is dedicated to serving as counsel for state and municipal entities involved in civil rights litigation. Kyle defends government actors against claims for false arrest, malicious prosecution, excessive force, and retaliation under the First Amendment. In the private sector, Kyle defends individuals and entities in cases involving premises liability, professional malpractice, subrogation rights, automobile liability, and wrongful death.

Kyle's practice before joining Henderson Franklin also afforded him extensive time in the courtroom. He served as a law clerk for the Honorable G. Steve Agee in the U.S. Court of the Appeals for the Fourth Circuit, the Honorable James C. Cacheris in the U.S. District Court for the Eastern District of Virginia, and the Honorable Andrew Baxter in the U.S. District Court for the Northern District of New York. Kyle also previously worked as an associate for a law firm in Northern Virginia.

Kyle is a member of the Florida, Virginia, and New York Bars. He is admitted to practice before all state courts in Florida, Virginia and New York, as well as the Middle District of Florida, the Northern District of New York, the Eastern District of Virginia, and the United States Court of Appeals for Fourth Circuit.

Kyle has been recognized for his professional achievements and was named a "Rising Star" by Florida Super Lawyers magazine in 2018-2020. He also serves as an adjunct professor at Ave Maria School of Law, where he teaches a class focusing on civil rights litigation.

Kyle graduated *magna cum laude* from George Mason University School of Law, where he served on the Articles Committee for the *Journal of Law, Economics & Policy*. He was also an active member of the business law society, first as the treasurer and then president. While attending Cornell University, Kyle was a teaching assistant and a nationally certified peer tutor.

Kyle grew up in Syracuse, New York and relocated to Southwest Florida to join the Henderson Franklin legal team. He currently resides in Fort Myers with his wife, Casey. When not working, Kyle enjoys golfing and walking his dog.

Articles

- *Federal Judge Rules that EEOC Must Collect Expanded Data on EEO-1 Forms – Current Deadline September 30, 2019*, Apr. 29, 2019
- *Supreme Court to Settle Dispute on LGBT Bias in the Workplace*, Apr. 24, 2019
- *The Department of Education Proposes New Title IX Requirements For Colleges: Five Notable Changes*, November 19, 2018
- *Florida Supreme Court Curbs Discovery of Referral Relationship Between Plaintiff's Counsel and Treating Physicians*, April 14, 2017
- *Insurance and Tort Case Law Update*, Trial Advocate Quarterly, Vol. 35 No. 4, Fall 2016

Professional and Civic Affiliations

While living in Washington D.C., Kyle was an active member of the Animal Welfare League of Alexandria. He is committed to his community and primarily focuses his volunteer efforts on supporting animals in need.

Education

- Cornell University, B.S., *magna cum laude*
- George Mason University School of Law, J.D., *magna cum laude*
- Admitted to Florida Bar, Virginia Bar, & New York Bar

Practice Areas

- Tort & Insurance
- Employment

Guest Speakers in Order of Appearance

Robert E. Weisberg has served as the Regional Attorney for the Miami District Office of the U.S. Equal Employment Opportunity Commission since September 27, 2010. As Regional Attorney, Mr. Weisberg oversees the Miami District legal unit staff and the enforcement of federal laws prohibiting employment discrimination throughout the State of Florida, Puerto Rico and the U.S. Virgin Islands.



Immediately prior to joining the EEOC, Mr. Weisberg maintained his own law practice in Miami, Florida for approximately twenty years. His practice areas emphasized representation of plaintiffs and other aggrieved individuals in civil rights cases, including employment discrimination and other employment-related matters.

Mr. Weisberg has been repeatedly recognized in Best Lawyers of America in the category of individual employment rights, has served as a consultant for lawyers and legal aid organizations and has lectured to lawyers and other professionals in the area of civil rights and employment law. Mr. Weisberg has served as a Special Master for the United States District Court for the Southern District of Florida and as adjunct professor at the University of Miami School Law. Mr. Weisberg has been Board Certified by the Florida Bar in the area of Employment and Labor Law since 2001 and was inducted into the College of Labor and Employment Lawyers in 2018.

Robert E. Weisberg
Regional Attorney for the Miami District Office
U.S. Equal Employment Opportunity Commission
Miami Tower
100 SE 2nd Street, Suite 1500
Miami, FL 33131
P: (786) 648-5869
E: Robert.weisberg@eeoc.gov



Benjamin H. Yormak Mr. Yormak is a Board Certified Expert in Labor & Employment Law and is also a frequent lecturer on a variety of labor and employment law topics. Mr. Yormak has devoted a significant part of his practice on whistleblower cases and cases involving fraud against the government. In *United States v. 21st Century Oncology et. al* (2015), Mr. Yormak successfully represented a whistleblower regarding Medicare fraud, which resulted in a recovery of more than \$25 million. And in 2019, a case filed by Mr. Yormak was certified as a rare nationwide RICO class action, which settled for nearly \$90 million.

From 2016-2019, Mr. Yormak has been recognized by SuperLawyers Magazine as a Rising Star, an honor bestowed upon only the top 2% of Florida attorneys as voted by their peers. He has also been selected by his Southwest Florida peers as a Naples Illustrated Top Lawyer (2018, 2019, 2020), has won the Avvo Client Choice Award (2012-2020), has been recognized as a national Lawyer of Distinction (2018) and was selected by National Advocates Top 40 Under 40 (2018) for his accomplishments.

in labor and employment law. He also holds a Lawyers of Distinction rating, and he has received "Superb, 10 out of 10" client ratings on Avvo.

He is admitted to practice in the U.S. Supreme Court, Eleventh Circuit Court of Appeals, First Circuit Court of Appeals, U.S. District Courts for the Middle, Southern and Northern Districts of Florida, the Florida Supreme Court, and the Massachusetts Supreme Judicial Court. He is a member of the American Bar Association, Federal Bar Association, National Employment Lawyers Association, Florida Employment Lawyers Association, Southwest Florida Federal Bar Association, Lee County Bar Association, and American Inns of Court.

Mr. Yormak previously worked with the United States Department of Justice and the Maine Volunteer Lawyer Project, and while in law school received the Pro Bono Service Award. He received his Juris Doctorate from the University of Maine School of Law and his A.B. from Bowdoin College, graduating with honors, while also playing both NCAA ice hockey and baseball. Outside of the office, Mr. Yormak enjoys spending his time with his wife Jessica, their two children and their golden retriever, Fenway.

Benjamin H. Yormak, Esq.
Yormak Employment & Disability Law
9990 Coconut Road
Bonita Springs, Florida 34135
P: (239) 985-9691 • F: (239) 288-2534 • E: byormak@yormaklaw.com
www.yormaklaw.com



**Welcome to the 28th Annual
HR Law & Solutions Seminar**

 **Henderson|Franklin**
ATTORNEYS AT LAW

 **Henderson|Franklin**
ATTORNEYS AT LAW

**Case Law and
EEOC Update**

Presented by:
Robert Shearman, Esq., Kyle Dudek, Esq.,
Robert Weisberg, Esq., Benjamin Yormak, Esq.



#swfhlrlaw
@henlawswfl



Overview

- What's new and trending
 - ✓ EEOC
 - ✓ Plaintiffs' Bar
 - ✓ Defense Bar

#swfhlrlaw • @henlawswfl

Retaliation

- *Gogel v. KIA Motors Manufacturing of Georgia, Inc.*



#swflhrlaw • @henlawswfl

LGBTQ

- *Bostock v. Clayton County, GA*
- *Lakeland Eye Center*



#swflhrlaw • @henlawswfl

Pregnancy Discrimination

- *Young v. UPS*
- *Brown & Brown*



#swflhrlaw • @henlawswfl

Religious Discrimination



- *Trans World Airlines v. Hardison*
- *Our Lady of Guadalupe School v. Morrissey-Berru*

#swflhrlaw • @henlawswfl

Equal Pay

- *US Women’s Soccer Team*



#swflhrlaw • @henlawswfl

Final Thoughts

- EEOC Resources



#swflhrlaw • @henlawswfl





ROBERT SHEARMAN, ESQ.
robert.shearman@henlaw.com
239-344-1346

KYLE DUDEK, ESQ.
kyle.dudek@henlaw.com
239-344-1237

ROBERT WEISBERG, ESQ.
robert.weisberg@eeoc.gov
786-648-5869

BENJAMIN YORMAK, ESQ.
byormak@yormaklaw.com
239-985-9691



#swflhrlaw
@henlawswfl
