

Randall D. Avram

Partner

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Services

Anti-Counterfeiting & Gray Markets

Employee Benefits

Employment Counseling

Employment Litigation & Class
Actions

ERISA Litigation

Executive Compensation

Labor & Employment

Labor Relations

Litigation

OSHA Compliance & Litigation

RIFS & Severance Plans

Trade Secrets

Wage & Hour

Industries

Financial Services

Health & Life Sciences

Technology



Randy Avram is Team Leader of the firm's Labor & Employment practice. Mr. Avram acts as national and regional employment litigation and labor counsel for several *Fortune* 100 companies. He has successfully defended numerous high profile class actions. Mr. Avram has also acted as first chair in more than 300 state and federal employment litigation cases. Mr. Avram has represented companies of all sizes in more than 50 union avoidance campaigns with a greater than 95 percent win rate. He has also acted as first chair in more than 100 NLRB cases and labor arbitrations. He represents management in all aspects of labor and employment and traditional labor law.

In addition, Mr. Avram often handles high profile workplace violence/workplace catastrophe cases including those involving fatalities and OSHA investigations. Mr. Avram regularly negotiates labor contracts for a variety



of companies – large and small. He routinely works with companies to establish litigation avoidance programs, having trained more than 5,000 supervisors and managers.

Mr. Avram is listed in the 2019 edition of *Chambers USA: America's Leading Lawyers for Business* for Labor & Employment Law and each previous edition since 2006. He was recognized in *The Best Lawyers in America*[®] for Management Employment Law, Management Labor Law, and Labor and Employment Litigation in 2020 and the 13 years immediately preceding. Mr. Avram was also recognized as a 2016 and 2018 "Raleigh Lawyer of the Year" by *The Best Lawyers in America*[®]. He has been recognized as a North Carolina "Super Lawyer" for Employment & Labor by *Super Lawyers* magazine every year since 2006 and in 2012, 2013, 2016, 2017, 2018 and 2019, he was named a North Carolina "Top 100 Super Lawyer" by *Super Lawyers* magazine. In addition, Mr. Avram was honored as a "Legal Elite" by *Business North Carolina* magazine in 2005, 2013, 2014 and 2019 as one of North Carolina's top employment attorneys and as a Triangle area "Mover & Shaker" by *Business Leader Magazine*. He is a recipient of the 2014 Client Choice Award USA & Canada in the Employment & Labor category for North Carolina from Lexology and the International Law Office (ILO). Mr. Avram is AV[®] rated by Martindale-Hubbell.*

*CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience

Successfully represented a global fast food chain in class action wage and hour litigation in federal court in Columbia, South Carolina. Obtained summary judgment.

Represented prominent retailer in employment litigation lawsuit brought by a former employee alleging violations of Title VII, wrongful discharge, and negligent retention/supervision. Plaintiff's claims were dismissed. Client won counterclaim for conversion and unjust enrichment and was awarded litigation costs. Plaintiff's appeal to the Fourth Circuit was dismissed.

Represented an information technology services provider against claims of wrongful termination in retaliation for the employee having filed workers' compensation claims, as well as state law claims for both intentional and negligent infliction of emotional distress. The employer prevailed on its summary judgment motion and was awarded costs against the plaintiff.

Successfully defended a *Fortune* 100 pharmacy retailer against a lawsuit brought by a former employee alleging race discrimination, retaliation and constructive discharge. Case ended with award of summary judgment for client on all claims and award of litigation costs against plaintiff.

Represented a *Fortune* 500 retail company in a former employee's discrimination lawsuit, which alleged hostile



work environment, retaliation, negligent infliction of emotional distress, and negligent retention. These claims, which stemmed from a supervisor's allegedly racial comment to the plaintiff, were all dismissed on summary judgment, and the client was awarded litigation costs.

Advised various companies on more than 50 union organizing campaigns with a greater than 95 percent win rate. Clients have included manufacturers and retailers as well as energy and telecommunications companies.

Represented a major third-party Benefits Administrator in a purported class action suit by a class of plaintiffs alleging improper recording of phone conversations. The case was filed in the Central District of California. The plaintiffs alleged a violation of privacy claim as well as violations of the California Invasion of Privacy Act. Defendants filed necessary documents challenging the appropriateness of the class, took various depositions and vigorously defended the case. The case settled on terms favorable to the defendant on the eve of motion hearing.

Represented express delivery services company in connection with a putative class action brought in New York Federal court under the Fair Labor Standards Act and New York wage and labor law. After initial exchange of information and negotiation we resolved the matter with the named plaintiff on favorable terms for the client, thereby limiting additional potential exposure.

Successfully represented a fiber optic cable company in a landmark workplace violence case featured on *60 Minutes*.

Represented a fully integrated environmental services organization in investigations by the Chemical Safety Board, OSHA, the North Carolina State Bureau of Investigations, federal and state EPA officials, and town officials following a series of explosions and resulting fire at a hazardous-waste disposal plant in a well-populated area that led to the evacuation of thousands. The firm successfully defended the company against two OSHA citations and advised the company on media strategies.

Represented the second largest franchisee of Pizza Hut, Inc. in a union organizing campaign where the Virgin Islands Workers Union (VIWU) sought to organize all Pizza Hut workers in St. Thomas and St. Croix. We ran the campaign, which resulted in a resounding victory for the company when the employees voted two to one against unionization.

Advised one of the largest U.S. forest products manufacturers regarding strategy in a union organizing campaign in Bowling Green, Kentucky by the International Brotherhood of Teamsters. The company won the election by a greater than 2 to 1 margin.



Defended a non-profit health care provider in a class and collective action alleging overtime violations under the Fair Labor Standards Act and North Carolina state law involving "sleep time" while on the employer's premises. Case was very favorably resolved prior to the certification decision.

Successfully defended one of the largest U.S. forest products manufacturers in a disability discrimination lawsuit brought under the Americans with Disabilities Act.

Successfully defended a *Fortune* 500 retailer in a lawsuit filed by former employee alleging retaliation and wrongful termination arising out of sexual harassment allegations.

Represented a large energy company in a workplace violence case in which a nonemployee fatally shot the company's security guard and an employee at the company's facility.

Obtained summary judgment and a dismissal of all claims of corporate defamation and unfair and deceptive trade practices for AT&T Corporation. The plaintiff also alleged violations of the Lanham Act and a claim for negligence. We succeeded in getting the Lanham Act and negligence claims dismissed early in the litigation. *Boykin Anchor Co., Inc. v. AT&T Corp., et al.*, No. 10-00591 (E.D.N.C. filed Dec. 29, 2010).

Successfully defended a global fast food chain in litigation brought by a former employee alleging that she was discharged in violation of public policy.

Successfully represented major national retail client in Teamster organized campaign at company's distribution centers at Fremont, California and Seattle, Washington. We provided strategic advice to management and created communication strategies to allow the company to remain union free. The union withdrew its representation prior to vote.

Represented a national fast food restaurant chain in several workplace violence cases where patrons, along with the restaurant employees who came to assist, were attacked by gang members. The restaurant employees and patrons brought suit against the restaurant alleging that because the business was operating in a "high crime area" (due to prior incidents), it did not maintain the necessary, additional safeguards. The employees also brought suit outside of workers compensation. The firm ultimately had five of the cases dismissed at summary judgment and the others were settled for nominal amounts.

Successfully represented one of the largest U.S. forest products manufacturers in a lawsuit alleging violations of the Age Discrimination in Employment Act (ADEA). We won summary judgment and recovered litigation costs for our client.



Represented one of the largest U.S. forest products manufacturers in a suit brought against our client in Alabama Federal court by the EEOC on behalf of a class of African-Americans alleging race discrimination. After an initial round of discovery, including the depositions of the charging parties, the case was settled on very favorable terms at mediation.

Education

Wake Forest University School of Law, J.D. (1985) *with highest honors*

University of North Carolina at Chapel Hill, B.A. (1981)

Admissions

North Carolina (1986)

Professional & Community Activities

American Bar Association, Committee on the Development of the Law under the National Labor Relations Act, Member

North Carolina Bar Association, Labor and Employment Section Governing Council, Member

Triangle Area Red Cross, Board of Directors, Member

Insights

[Alerts](#)

DOL Publishes New Rule on Overtime Eligibility

September 25, 2019

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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

[In The News](#)

35 Kilpatrick Townsend Attorneys Named to the North Carolina Pro Bono Honor Society

May 24, 2019

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Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019



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DOL Proposes Increase to Threshold for the “White Collar” Overtime Exemption

March 11, 2019

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Kilpatrick Townsend Attorneys Named 2019 North Carolina Super Lawyers

January 28, 2019

[News Releases](#)

Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine’s 2019 “Legal Elite”

January 10, 2019

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Expansion of Rights for Victims of Workplace Sexual Harassment in California

October 3, 2018

[Alerts](#)

New York Releases Model Sexual Harassment Prevention Policy and Training for Employers

September 7, 2018

[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

[Alerts](#)

California Supreme Court Restricts “De Minimis” Defense in State-Law Claims for Small Amounts of Unpaid Wages

July 30, 2018

[In The News](#)

Randy Avram Quoted in "Millions Evaporate as Trade Secrets Lawsuits Fly Across NC, US"

July 6, 2018

[Alerts](#)

Supreme Court Approves Employers’ Use of Class-Action Waivers in Arbitration Agreements

May 22, 2018



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Kilpatrick Townsend Achieves Recognition From Chambers USA 2018

May 11, 2018

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California Supreme Court Adopts a More Streamlined, Worker-Friendly Test to Determine Independent Contractor Status

May 2, 2018

[Alerts](#)

Ninth Circuit Rules That Prior Salary Cannot Justify Gender Pay Differentials Under the Equal Pay Act

April 11, 2018

[Alerts](#)

California Supreme Court Establishes Overtime-Calculation Formula for Employees Receiving Flat-Sum Bonuses

March 7, 2018

[Alerts](#)

Second Circuit Becomes the Second Federal Appeals Court to Hold That Title VII Prohibits Sexual Orientation Discrimination

March 1, 2018

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NLRB Reverts to a Broad Test for Determining Joint-Employer Status – At Least, for Now

February 27, 2018

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Kilpatrick Townsend Attorneys Named 2018 North Carolina Super Lawyers

February 6, 2018

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U.S. Department of Labor Issues Updated Guidelines for Internship Programs Under the Fair Labor Standards Act

January 7, 2018

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The NLRB Adopts New Standards for Analyzing Workplace Rules and Determining Joint-Employer Status
December 18, 2017

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OSHA Sets December 15 Deadline to Electronically Submit Workplace Injury and Illness Reports
November 27, 2017

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California Enacts Law Barring Pre-Employment Inquiries About Salary History
October 13, 2017

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018
August 15, 2017

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Best Lawyers in America® Names Kilpatrick Townsend Attorneys 2018 Lawyers of the Year
August 16, 2017

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2017
May 30, 2017

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New Georgia Law Allows Employees to Use Sick Leave for Care of Family Members
May 11, 2017

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OSHA Rescinds Policy Allowing Union Access to Nonunionized Facilities
May 2, 2017

[Alerts](#)

The Seventh Circuit Holds That Title VII Prohibits Sexual Orientation Discrimination: Key Takeaways for Employers
April 6, 2017



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President Trump Nails Coffin Shut on Federal Contractor “Blacklisting” Under Fair Pay and Safe Workplaces Rule
March 28, 2017

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Kilpatrick Townsend Attorneys Named 2017 North Carolina Super Lawyers
January 30, 2017

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Federal Court Halts Implementation of the New White-Collar Exemption Regulations
November 23, 2016

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Five Things Federal Contractors Need to Know About DOIs Final Rule Establishing Paid Sick Leave
October 25, 2016

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California Continues to Broaden the Scope of Its Equal Pay Law
October 5, 2016

[Alerts](#)

California Prohibits Employers from Requiring Out-of-State Litigation and Arbitration
September 28, 2016

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017
August 16, 2016

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NLRB Creates New Headaches for Employers Using Staffing Agency Workers
July 13, 2016

[In The News](#)

Kilpatrick Townsend's Media Report June 17-23, 2016
June 24, 2016



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NLRB Holds That Hiring Permanent Strike Replacements Can Constitute an Unfair Labor Practice

June 10, 2016

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

[In The News](#)

Kilpatrick Townsend's Media Report May 20-26, 2016

May 27, 2016

[News Releases](#)

Kilpatrick Townsend's Media Report May 13-19, 2016

May 20, 2016

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DOL Releases Final Changes to White-Collar Exemption Rule That May Cause Millions of Employees to Become Eligible for Overtime Pay

May 19, 2016

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Kilpatrick Townsend's Media Report March 24 - April 14, 2016

April 15, 2016

[In The News](#)

Kilpatrick Townsend's Media Report March 18-24, 2016

March 25, 2016

[In The News](#)

Kilpatrick Townsend's Media Report February 17-25, 2016

February 26, 2016

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Kilpatrick Townsend's Media Report January 28 - February 4, 2016

February 4, 2016



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Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016

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New California Law Gives Employers an Opportunity to Avoid Certain Lawsuits Alleging Defective Wage Statements

October 7, 2015

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President Obama Signs Executive Order Requiring Paid Sick Leave for Federal Contractors' Employees

September 9, 2015

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NLRB Expands Concept of Joint Employers

August 28, 2015

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Best Lawyers in America Names Kilpatrick Townsend Attorneys 2016 Lawyers of the Year

August 20, 2015

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

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EEOC Holds That Title VII Prohibits Discrimination Based on Sexual Orientation

July 20, 2015

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DOL Releases Proposed Changes to White-Collar Exemption Rules Estimated to Affect Five Million Employees

July 1, 2015

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Supreme Court's Ruling on Same-Sex Marriage Will Affect Employers

June 29, 2015



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Supreme Court Holds That Adverse Employment Action Based on Mere Suspicion of Need for Religious Accommodation May Violate Title VII

June 3, 2015

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015

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New NLRB Rules on Union Elections Take Effect April 14

April 8, 2015

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SEC Takes Aim at Employee Confidentiality Agreements with “Potential Chilling Effect” on Whistleblowers

April 6, 2015

[Alerts](#)

Supreme Court Announces Standards for Analyzing Failure-to-Accommodate Claims by Pregnant Employees

March 26, 2015

[Alerts](#)

NLRB General Counsel Issues Report Discussing Unlawful Personnel Policies Under the National Labor Relations Act

March 23, 2015

[Alerts](#)

Department of Labor Broadens Family and Medical Leave Act Protections for Same-Sex Spouses

February 26, 2015

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Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015