

Susan W. Pangborn

Partner

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Susan Pangborn litigates employment and restrictive covenant disputes and counsels clients on a variety of employment-related issues. Susan has represented employers in class and collective actions, as well as multi-plaintiff and single-plaintiff litigation. She has successfully litigated cases involving the alleged breach of restrictive covenants and misappropriation of trade secrets. She also assists clients in conducting effective workplace investigations of harassment or discrimination complaints and provides appropriate follow-up training.

Susan has defended discrimination and wage-hour claims under federal and state statutes in more than 100 cases before both administrative agencies and courts across the United States. Susan has won jury trials and numerous cases brought in federal and state courts on summary judgment. She also represents employers in arbitrations brought under both collective bargaining agreements and alternative dispute resolution provisions.

In addition, Susan provides practical guidance to employers on employment-related issues, including wage-hour



compliance, discrimination issues arising under federal and state statutes, and strategies for handling employee complaints, performance issues, and terminations. She partners with clients to ensure they understand how changes in applicable state and federal laws affect their policies and practices. She has assisted clients in structuring and implementing reorganizations and force reductions affecting employees across several states, and in exploring cost-saving alternatives to reductions-in-force.

Susan also focuses her practice on executive agreements and the area of restrictive covenants. She regularly helps employers protect their investment in their people and intellectual property by ensuring that confidentiality, non-competition, and non-solicitation agreements comply with applicable state laws. She has represented both individuals and companies in litigation involving restrictive covenants including by obtaining and/or defeating motions for temporary restraining orders and preliminary injunctions.

Susan is listed in the 2019 and the eight years immediately preceding editions of *Chambers USA* for Labor & Employment. She was recognized in *The Best Lawyers in America*® for Management Employment Law and Labor and Employment Litigation in 2018, 2019 and 2020. Susan was named a Northern California "Super Lawyer" in 2017, 2018 and 2019 for Employment & Labor and a Georgia "Super Lawyer" in the area of Employment Litigation: Defense in 2016 and the four years prior by *Super Lawyers* magazine.

Experience

Successfully represented employers in California employment class actions, defending claims of meal and rest break violations, improper rounding, failure to reimburse business expenses, waiting time penalties, failure to pay minimum wages or to calculate overtime properly, and wage statement violations under the California Labor Code and Private Attorneys General Act.

Conducted workplace investigation of discrimination and harassment claim brought by high-level employee of large technology company. We were able to help resolve the claim, avoiding litigation.

Represented a California employer in action brought by our client against a former employee and competitor alleging the improper use of confidential information and solicitation of employees. After we aggressively pursued litigation and injunctive relief, the competitor agreed to a settlement which included providing 10 days' notice of intent to hire any current employees.

Assisted financial services company in structuring and implementing nationwide reduction in force, providing advice on all aspects of the reorganization. Our team prepared relevant documents including enforceable separation agreements and internal communications and talking points.

Represented Emory University, Inc. in an action brought by a former employee who claimed she was discharged



for engaging in protected activity under the False Claims Act. Summary judgment was granted. *Waters v. Emory University, Inc.*, No. 11-103 (N.D. Ga.) (Mar. 20, 2013).

Represented a consumer products manufacturer in a lawsuit brought in the United States District Court for the Northern District of California by a former long-term employee whose employment had been terminated. The employee asserted claims of age discrimination under state and federal law, wrongful termination, and breach of contract. The court granted summary judgment.

Represented office products company in a lawsuit in which the plaintiff claimed that our client breached an employment contract and was unjustly enriched by his efforts. The Northern District of Georgia granted summary judgment as to all counts. The Eleventh Circuit Court of Appeals affirmed the district court's decision.

Represented Nestlé Waters North America Inc. in a lawsuit brought in California by one of its production workers alleging that she was discriminated against because of a disability in violation of the California Fair Employment and Housing Act. The court granted summary judgment and dismissed all of the plaintiff's claims. The California Court of Appeals affirmed the dismissal. *Patterson v. Nestlé Waters, et al.*, California Superior Court for the County of San Bernardino, Rancho Cucamonga District, Case No. RCV 096524.

Represented a California-based company in litigation filed in the Middle District of Tennessee by a former employee who claimed that he was terminated because of his age. The court granted summary judgment in favor of the company in May 2014.

Represented one of the largest U.S. forest products manufacturers in litigation brought by an 18-year employee who claimed that she was terminated because of her age, race, and in retaliation for protected activity in violation of the California Fair Employment and Housing Act. In March 2014, the U.S. District Court for the Northern District of California granted summary judgment to the employer on all of the plaintiff's claims. In March 2016, the Ninth Circuit Court of Appeals affirmed.

Represented UnumProvident Corporation, a leading benefits provider worldwide, in a lawsuit in which the plaintiff claimed that he was discriminated against because of a disability in violation of the Americans with Disabilities Act (ADA). The case was tried to a jury, which awarded a verdict for our client. *Rose v. UnumProvident Corp.*, No. 05-0526 (N.D. Ga. filed Feb. 23, 2005).

Represented The Boeing Company in a case that involved allegations brought by a current human resources professional of discrimination and retaliation under the Americans with Disabilities Act, Title VII and the Age Discrimination in Employment Act. We obtained summary judgment, which was affirmed by the Eleventh Circuit



Court of Appeals. *Linda Simmons v. The Boeing Company*, Case No. 5:05-CV-28 (WDO).

Represented The Boeing Company in a lawsuit in which an employee claimed that he failed to receive certain promotions or job transfers because of his race or in retaliation for protected activity and that he was subjected to a hostile work environment. We obtained summary judgment on all of plaintiff's claims, which was affirmed by the Fourth Circuit Court of Appeals. *Jerry Lamb v. The Boeing Company*, Case No. 8:03-CV-03128-AW (D. MD) (4th Cir.).

The firm served as lead counsel for American Speech-Language-Hearing Association in a disability discrimination lawsuit and obtained dismissal of all the plaintiffs' claims. Our client prevailed on summary judgment on its cross-claim against the plaintiff for defamation, violation of the Lanham Act, and invasion of privacy. The Fourth Circuit Court of Appeals affirmed.

Education

University of Georgia School of Law, J.D. (1987) *with honors*

University of Tennessee at Chattanooga, B.S., Political Science

magna cum laude

Admissions

California (2012)

Georgia (1987)

Insights

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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

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KT Client Success | Kilpatrick Townsend Represents Wealth Management Firm from Birth to \$750 Million Exit

July 18, 2019



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Kilpatrick Townsend Attorneys Named 2019 Northern California Super Lawyers

July 16, 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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Ninth Circuit Expands FCRA Disclosure Requirements

February 12, 2019

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Expansion of Rights for Victims of Workplace Sexual Harassment in California

October 3, 2018

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

August 20, 2018

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

July 30, 2018

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Twenty-Six Kilpatrick Townsend Attorneys Named 2018 Northern California Super Lawyers & Rising Stars

July 23, 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

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

April 11, 2018

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

March 7, 2018

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

March 1, 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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New California Law Requires Small Employers to Provide Unpaid Baby-Bonding Leave

October 16, 2017

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California Enacts Law Barring Pre-Employment Inquiries About Salary History

October 13, 2017

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Judge Issues Order Invalidating DOL Exempt-Employee Salary Rule

September 1, 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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Twenty-Four Kilpatrick Townsend Attorneys Named 2017 Northern California Super Lawyers & Rising Stars
August 9, 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

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

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

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Department of Labor Publishes a Final Rule Establishing Paid Sick Leave Requirements for Federal Contractors
October 4, 2016

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

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EEOC Issues Updated Guidance on Workplace Retaliation
September 2, 2016

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

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OFCCP Updates Sex Discrimination Guidelines for Federal Contractors and Subcontractors
June 15, 2016

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016
May 31, 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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OSHA's New Final Rule on Reporting Work-Related Injuries and Illnesses May Have Far-Reaching Consequences for Employers
May 16, 2016

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California Shapes Standards for Suitable Employee Seating Requirements

April 7, 2016

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California Becomes the First State to Adopt a \$15 Minimum Wage; New York Is Likely to Be the Second

April 4, 2016

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California Broadens the Scope of Its Equal Pay Law

October 9, 2015

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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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Kilpatrick Townsend Honored by American Lawyer Third Annual Global Legal Awards

July 20, 2015

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California Clarifies Paid Sick Leave Statute

July 15, 2015

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

June 29, 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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Kilpatrick Townsend's Media Report March 27 - April 2, 2015

April 3, 2015

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

March 26, 2015

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

February 26, 2015

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Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015

[In The News](#)

Kilpatrick Townsend's Media Report February 6-12, 2015

February 13, 2015