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AREAS OF PRACTICE

- Employment Law
- Intellectual Property and Information Technology
- Litigation
- Local Counsel - Virginia

RECENT BLOG POSTS

- COVID-19 and the Americans with Disabilities Act
- Ongoing Employment Law Developments Related to COVID-19
- Emergency Paid Sick Leave and Other Employment Issues Related to COVID-19
- The #MeToo Movement: 3 Policies Employers Should (Re)-Consider
- #MeToo: What Employers Should Know to Prevent Liability

John M. Erbach

ATTORNEY, PARTNER

John Erbach represents a wide variety of business entities and individuals in complex business and commercial litigation, including employment disputes, defense of consumer protection claims, and intellectual property litigation. As an additional part of his practice, John regularly counsels businesses on dispute resolution, employment compliance matters, employment policies, employee handbooks and insurance coverage matters. John regularly litigates cases in state and federal court, as well as arbitration, having taken a number of cases to successful verdicts in a variety of business litigation matters.

Earlier in his career, John had the unique honor of serving as law clerk to three federal judges in Richmond, Virginia, including the Honorable Henry E. Hudson, U.S. District Judge for the Eastern District of Virginia; the Honorable Dennis W. Dohnal, U.S. Magistrate Judge; and, the Honorable David J. Novak, U.S. Magistrate Judge. Of special note, John had the honor of serving as Judge Novak's first law clerk upon Judge Novak's selection to replace the retiring Judge Dohnal. John regularly serves as local counsel for national and international law firms that have matters pending in the United States District Court for the Eastern District of Virginia.

In 2015, John was elected to represent the Dale District of Chesterfield County, Virginia, on the county's School Board. The School Board sets policy for the school system, makes key hiring decisions for an 8,000-employee organization, and oversees the school system's budget and capital improvement projects. John also served as the Board's vice chairman and chairman in 2017 and 2018, respectively. He declined to seek a second term and concluded his service after one four-year term. This experience has given John perspective as a client served by other lawyers—an experience invaluable to business clients often facing similar employment and operational issues to that of a large school system.

EDUCATION

- University of Richmond, T.C. Williams School of Law (J.D., *magna cum laude*, 2008)
- The College of William and Mary (B.S., Psychology, 2005)

BAR ADMISSIONS

- Virginia
- U.S. District Court Eastern District of Virginia
- U.S. District Court Western District of Virginia

- U.S. Bankruptcy Court Eastern District of Virginia
- U.S. Court of Appeals 4th Circuit

CLERKSHIPS

- Law Clerk, U.S. District Court Judge Henry E. Hudson, 2012-2013
- Law Clerk, U.S. Magistrate Judge David J. Novak, 2012
- Law Clerk, U.S. Magistrate Judge Dennis W. Dohnal, 2010-2012

REPRESENTATIVE EXPERIENCE

- Successfully tried in federal court case defending executives accused of civil fraud
- Regularly advises community banks and small to mid-size corporations in developing employment policies and handbooks
- Handled a number of employment litigation matters including defense of employee claims in court or before the EEOC and enforcement of non-competition agreements
- Represented start-up in patent infringement lawsuit against a major Fortune 500 company
- Defended banks, lenders and credit bureaus in series of consumer protection claims, including federal class actions
- Represented major U.S. retailer as local trademark litigation counsel
- Appealed award of a significant public contract in Virginia's circuit courts
- Represented major university as local counsel in patent infringement suit involving anti-virus software
- Frequently advises small local businesses in a variety of litigation matters in federal and state courts

REPRESENTATIVE CASES

- *CSX Transp., Inc. v. Norfolk S. Ry. Co.*, No. 2:18cv530, 2019 U.S. Dist. LEXIS 161339 (E.D. Va. Sept. 9, 2019)
- *GlobalOne Mgmt. Group Ltd. v. Tempus Applied Sols., LLC*, No. 4:18cv59, 2018 U.S. Dist. LEXIS 207301 (E.D. Va. Dec. 7, 2018)
- *GGC Assocs., LLC v. Hamner et al.*, No. 3:17cv402, 2018 U.S. Dist. LEXIS 132610 (E.D. Va. Aug. 6, 2018)
- *Docs Billing Solns., LLC v. GENETWORx LLC*, No. 2018 U.S. Dist. LEXIS 157480 (E.D. Va. Aug. 30, 2018)
- *Roberts v. Immigration Ctr. of Am., LLC*, No. 3:15cv739, 2016 U.S. Dist. LEXIS 95578 (E.D. Va. July 21, 2016)
- *Alicimeus v. Immigration Ctr. of Am., LLC*, No. 3:15cv740, 2016 U.S. Dist. LEXIS 94214 (E.D. Va. July 19, 2016)
- *Berman v. Davidson Media Va. Stations, LLC*, No. 3:15cv299, 2016 U.S. Dist. LEXIS 23945 (E.D. Va. Feb. 26, 2016)
- *Del Rossi v. SunTrust Mortg., Inc.*, No. 3:15cv334, 2016 U.S. Dist. LEXIS 20035 (E.D. Va. Feb. 18, 2016)
- *Orbital Austl. PTY Ltd. v. Daimler AG*, No. 3:14cv808, 2015 U.S. Dist. LEXIS 86631 (E.D. Va. July 1, 2015)

- *StarTrak Info. Techs., LLC v. Mark-It Servs.*, No. 3:14cv384, 2014 U.S. Dist. LEXIS 125926 (E.D. Va. Sept. 9, 2014)
- *Corning Optical Communs. Wireless Ltd. v. Solid, Inc.*, No. 3:14cv367, 2014 U.S. Dist. LEXIS 114876 (E.D. Va. Aug. 18, 2014)
- *Jellenek v. Joseph*, No. 3:14cv230, 2014 U.S. Dist. LEXIS 88056 (E.D. Va. June 26, 2014)
- *buySAFE, Inc. v. Google, Inc.*, 2014 U.S. Dist. LEXIS 83139 (E.D. Va. June 16, 2014)
- *Trs. of Columbia Univ. in the City of New York v. Symantec Corp.*, 2014 U.S. Dist. LEXIS 46172 (E.D. Va. Apr. 1, 2014)
- *Global Tel*Link Co. v. Securus Techs., Inc.*, 2014 U.S. Dist. LEXIS 28773 (E.D. Va. Mar. 5, 2014)

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Virginia State Bar
- Virginia Bar Association
 - Civil Litigation Section
 - Labor Relations and Employment Law Section
- Federal Bar Association
 - Member of the Board of the Richmond Chapter
 - National Representative
 - Federal Litigation Section
 - Intellectual Property and Communications Law Section
- Chesterfield County Bar Association

CLASSES/SEMINARS TAUGHT

- Patent Litigation from the Law Clerks' Perspective: Insights on New Patent Rules and Successful Litigation Strategies, NY Intellectual Property Law Association, October 15, 2014.

HONORS AND AWARDS

- *Virginia Super Lawyers* 2019-2020 for Business Litigation
- *Virginia Super Lawyers* Rising Stars 2016-2017 for Civil Litigation: Defense
- *Virginia Super Lawyers* Rising Stars 2018 for Business Litigation
- CALI Excellence for the Future awards in Civil Procedure, Advanced Trial Advocacy, and Copyright Law

COMMUNITY INVOLVEMENT

- Chesterfield County School Board, Representing the Dale District
- Board of Directors, Read to Them, Inc.

PAST EMPLOYMENT POSITIONS

- Associate, Williams Mullen, P.C., 2008-2010

PUBLICATIONS

- COVID-19 and the Americans with Disabilities Act

- Ongoing Employment Law Developments Related to COVID-19
- Emergency Paid Sick Leave and Other Employment Issues Related to COVID-19
- The #MeToo Movement: 3 Policies Employers Should (Re)-Consider
- #MeToo: What Employers Should Know to Prevent Liability
- Dos and Don'ts in Using Background Checks in Employment Decisions
- Supreme Court Declines to Hear Sexual Orientation Discrimination Case
- "Duke Rules Package" Implementation: Revisions to the Federal Rules of Civil Procedure Four Months Later
- Why Businesses May Like the "Duke Rules Package" Part 4 of 4: The Outcome
- Why Businesses May Like the "Duke Rules Package" Part 3 of 4: A National "Rocket Docket?"
- Why Businesses May Like the "Duke Rules Package": Clear Consequences for ESI Destruction
- Why Businesses May Like the "Duke Rules Package"
- Can You Keep a Secret? The Quiet Pursuit of a Federal Trade Secret Regime
- Small Businesses Remain Targets of Immigration and Customs Enforcement
- Patent Law Continues to Unite an Otherwise Divided Supreme Court
- Government (EEOC) Must Pay Company's Attorneys' Fees After Delay, Unreasonable Lawsuit
- Virginia to Address Patent Litigation Abuse
- Active Clients Benefit Greatly from Court-Ordered Settlement Conferences