



## → Shawn D. Fabian

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Shawn Fabian is a partner in the Labor and Employment Practice Group in the firm's Chicago and New York offices.

### **Areas of Practice**

#### Litigation

Shawn is a seasoned employment litigator who advises and represents management-side clients nationwide. Shawn has deep experience representing clients in federal and state courts, before administrative agencies and in arbitrations. Shawn is widely recognized for his expertise in analyzing, drafting and enforcing restrictive covenants. He prosecutes and defends complex matters involving restrictive covenants and trade secret misappropriation under federal and state law. Shawn is also widely regarded for his representation of employers in high profile sexual harassment, whistleblower retaliation, discrimination and class action matters.

#### Counseling & Internal Investigations

Shawn regularly counsels domestic and international clients on a full spectrum of workplace issues – from preparing, administering and enforcing personnel policies to navigating reductions-in-force, disciplinary actions, and executive separations.

Shawn is highly experienced in conducting sensitive and complex internal investigations and audits, particularly in the aerospace and defense and healthcare industries. His investigations regularly involve alleged wrongdoing by C-Suite executives, and concern purported harassment, discrimination or violation of a code of conduct. Shawn's approach ensures thorough fact-finding with minimal disruption to day-to-day operations.

#### Mergers & Acquisitions

Shawn seamlessly partners with the firm's Corporate Practice Group on mergers and acquisitions, having years of experience on buy- and sell-side deals involving the aerospace and defense, healthcare, manufacturing and other industries. He delivers pragmatic, business-oriented labor and employment solutions to issues that arise in fast-moving deal environments, and structures sophisticated agreements tailored to the unique needs of each transaction.

Shawn joined the firm after serving as Chief Counsel for Labor and Employee Relations at a nationally recognized hospital in New York City. Previously, he served on the legislative staff for a U.S. Senator and U.S. Congressman on Capitol Hill.

## Honors

Ones to Watch – Labor and Employment, *Best Lawyers*, 2022-2026

New York Rising Stars, *Super Lawyers*, Labor and Employment, 2017-2019

## Articles

- Chicago may impose hiring priority to previously laid-off hotel workers  
*Chicago Daily Law Bulletin*, 03.24.2021
- Three new laws slated for summer will require employers to be ready  
*Chicago Daily Law Bulletin*, 02.20.2020
- New marijuana law has ins, outs employers should be aware of  
*Chicago Daily Law Bulletin*, 02.13.2020
- Employers must pay attention to new laws, impact on workplace  
*Chicago Daily Law Bulletin*, 02.06.2020
- Deposition Questions in a Trade Secret Misappropriation and Breach of Restrictive Covenant Action (Plaintiff Employer to Defendant)  
*Lexis Practice Advisor*, 01.2020
- Predictable Scheduling Makes Its Way To Chicago  
*Chicago Daily Law Bulletin*, 08.15.2019
- Preparing For New Calif. Hotel Housekeeper Regs  
*Law360*, 06.14.2018
- Cybersecurity Measures to Protect Employers' Confidential Information and Trade Secrets  
*Lexis Practice Advisor*, 05.11.2017
- Engaging in Discovery on Behalf of Plaintiffs in Trade Secret Misappropriation and Breach of Restrictive Covenant Actions  
*Lexis Practice Advisor*, 05.2017
- Dissecting New Sick leave Laws in Illinois, Cook County and Chicago  
*Chicago Daily Law Bulletin*, 11.23.2016

### Corporate & Securities Law Blog Posts

- "Buyer Beware: Delaware Declines to Enforce Sale of Business Non-Compete," January 23, 2023

### Labor & Employment Law Blog Posts

- "FTC Signals Shift to Targeted Enforcement of Non-Competes in the Healthcare Industry," December 10, 2025
- "Have Employees in Wyoming? Start Preparing for the Non-Compete Ban," April 30, 2025
- "Wearable Technologies and Employment Risks – EEOC Issues New Guidance," February 3, 2025
- "Delaware Supreme Court Refuses to Enforce Noncompete Against Company Founder Who Joined Competitor," December 16, 2024
- "Indiana Appellate Court Rules Medical Company's Non-Compete with Chief Operating Officer Overbroad and Unenforceable," December 10, 2024

- "Will the Trump Labor Department Continue the Current Sharp Focus on the Healthcare Industry?," December 2, 2024
- "Washington's Amended Non-Compete Law Creates New Considerations for Employers," May 20, 2024
- "Illinois is the Latest State to Enact a Salary Transparency Law," August 21, 2023
- "Time for Employers to Modify Minnesota Protective Covenant Templates," August 17, 2023
- "Buyer Beware: Delaware Courts Continue to Refuse to Enforce Deal-Based Non-Competes," June 29, 2023
- "Time to Update Your Policies: Illinois Passes Sweeping Paid Leave Legislation," February 22, 2023
- "Illinois Supreme Court Rules All BIPA Claims Are Subject to Five-Year Time Limit," February 3, 2023
- "Buyer Beware: Tenth Circuit Issues Decision Emphasizing Critical Need for Employment Diligence," September 1, 2022
- "Colorado's New Restrictive Covenant Law Now Effective," September 1, 2022
- "Illinois Imposes New Restrictions on Non-Competes and Non-Solicits," January 26, 2022
- "President Biden and OSHA to Require Vaccine Mandate or Weekly Testing for Employers with 100+ Employees," September 10, 2021
- "Illinois Governor Signs Non-Compete Legislation," August 26, 2021
- "Governor Signs Sweeping Changes to Illinois Employment Laws," May 12, 2021
- "The Critical Nature of Labor and Employment Diligence in Transactions," March 18, 2021
- "Employers: Do Not Forget Your Sexual Harassment Prevention Training Requirement," May 4, 2020
- "The CARES Act: A Comprehensive Overview for Employers," March 31, 2020
- "Illinois Statewide Stay at Home Order: What Employers Need to Know," March 20, 2020
- "The Time Is Now for Employers in Illinois to Abide by New Laws," January 9, 2020
- "Predictable Scheduling Makes Its Way To Chicago," July 31, 2019
- "'Panic Button' Laws Make Their Way Across The U.S.," May 8, 2019
- "The Potential For Stemming BIPA Suits Waits Another Day," April 4, 2019
- "New York Lodging Industry: Post Your Human Trafficking Informational Cards," November 6, 2018
- "Hands Off-Pants On Ordinance In Effect in Chicago; California May Be Next," August 10, 2018
- "Healthcare Organizations Take Notice: The Joint Commission Issues Recommendations to Stem Workplace Violence," June 6, 2018
- "Utah and Idaho Limit Non-Competes and Vermont and Pennsylvania Work to Ban Them," May 9, 2018
- "Illinois Works to Combat Sexual Harassment," December 22, 2017
- "Chicago City Council Committee Approves Hands Off-Pants On Ordinance to Protect Hotel Employees," October 5, 2017
- "The Continued Uncertainty of Paid Sick Leave Laws," February 9, 2017
- "Dissecting New Sick Leave Laws in Illinois, Cook County and the City of Chicago," November 14, 2016

## Eye on Privacy Law Blog Posts

- "Washington Enacts Restrictions on Applicant Wage and Salary Questions," June 10, 2019

## Books

Employer's Guide To COVID-19 And Emerging Workplace Issues (Over 690 pages)  
04.21.2020

## Media Mentions

Guardians of the Workspace Podcast: Ep. #1 "Unraveling Employee Safety Laws: Essential Insights for Hotel Managers"

*WorldSafe*, 07.21.2023

Litigator of the Week Runners-Up and Shout Outs

*The American Lawyer*, 08.13.2021

New laws aim to protect hotel workers

*Hotel Business Magazine*, 11.07.2019

Lawyer: Illinois businesses should take steps to limit BIPA liability after reform legislation fails

*Cook County Record*, 04.30.2019

CA Hotels Focus on Training to Limit Housekeeping Injuries

*Hotel Business*, 11.2018

Calif. Hotels Must Create Housekeeper Injury Prevention Plans

*Hospitality Law*, 08.2018

New Chicago Ordinance Requires Hotels to Equip Employees with Panic Buttons

*Legal News Line*, 11.07.2017

New Chicago Sex Assault Law Aims To Protect Hotel Workers

*Law360*, 10.26.2017

## Speaking Engagements

"Legal Updates in Labor and Employment Law," Greater New York Association of Healthcare Recruiters, New York, New York, October 24, 2018

"Tips on Drafting Restrictive Covenants and Litigating Restrictive Covenant Claims," Lawline CLE Program, New York, New York, June 2018

"Current Issues in Human Resources, including Wellness Program Best Practices, Developing Workforce Plans and Effective Strategies for Reducing Health Benefit Costs," presented to the National Business Institute, December 2017

"Labor and Employment Legal Updates: A Year in Review and What HR Professionals Should Expect," presented to the Greater New York Association of Healthcare Recruiters, September 2017

"Labor and Employment Law Trends: What to Expect from the EEOC and the U.S. Department of Labor," presented to the Greater New York Association of Healthcare Recruiters, May 2016

"You Found WHAT on Her Facebook Page: Social Media's Role in Recruitment," presented to the Greater New York Association of Healthcare Recruiters, September 2015

"Beyond Patient Care: Criminal Record Background Checks," presented to the Greater New York Association of Healthcare Recruiters, February 2015

## Events

Charting the Course: Key Updates in Labor & Employment Law for 2024  
04.09.2024

Restaurant Legal Summit - Wage-Hour Developments in California and Illinois  
October 26 - 28, 2022

Strategies for Navigating Stress: A Series for Healthcare Leaders  
via Zoom, 05.20.2021, 06.17.2021, 07.09.2021

Employee Wellness in the Time of COVID-19: Employee Mental Health and Well-Being, Vaccinations and Return to Office (Or Not)  
Webinar, 02.11.2021

Getting Back to Business Webinar Series (Part 2)  
Planning and Best Practices for Employers in a Changed Workplace  
Webinar, 05.28.2020

Labor and Employment Law Update  
Sheppard Mullin Chicago, 11.28.2018

CLE Credits and Cocktails  
Sheppard Mullin Chicago  
05.18.2017

Labor & Employment Breakfast Briefing - Chicago  
09.10.2015

## Memberships

Member, Chicago Bar Association

Member, Illinois Association of Healthcare Attorneys

## Podcasts & Webinars

WHLC Wellness Series: Part 1: Strategies for Navigating Stress: A Series for Healthcare Leaders  
05.20.2021

Nota Bene Episode 117: The Critical Nature of Labor & Employment Diligence in Corporate Transactions with Kevin Cloutier and Shawn Fabian  
03.17.2021

Getting Back To Business Webinar Series: Session Two  
05.28.2020

## Practices

Labor and Employment  
Litigation  
Public Policy and Government Affairs  
Healthcare  
Biometric Information Privacy Act (BIPA)  
Canada

## Industries

Cannabis  
Construction  
Healthcare  
Hospitality  
Private Equity  
Retail, Fashion & Beauty  
Transportation  
Trucking and Logistics

## Education

J.D., New York Law School  
B.A., George Washington University

## Clerkships

Honorable Lisa Margaret Smith, U.S. District Court for the Southern District of New York, 2010-2012  
Legal Intern, U.S. Attorney's Office for the Southern District of New York, Criminal Division, 2005  
Legal Intern, Honorable James Yates, Supreme Court of the State of New York, New York County, 2004

## Admissions

Illinois

Kentucky

New York

Tennessee

Wisconsin

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

U.S. District Court, Western District of New York

## Additional Office

New York