

## Brodie D. Erwin

### Counsel

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### Services

Employment Counseling  
Employment Litigation & Class  
Actions  
Labor & Employment  
Labor Relations  
Litigation  
OSHA Compliance & Litigation  
Trade Secrets  
Wage & Hour

### Industries

Construction & Infrastructure  
Food, Restaurant & Beverage  
Health & Life Sciences  
Medical & Surgical Devices  
Retail & Consumer Goods

Brodie Erwin is a seasoned litigator with valuable trial experience. He has handled business and employment law matters for clients in multiple states and in various federal courts around the country. His experience includes litigating and counseling on all applicable federal and state employment statutes. Brodie also regularly prosecutes and defends matters seeking injunctive and equitable relief related to restrictive covenants (including non-compete, non-solicitation, and confidentiality agreements), misappropriation of trade secrets, tortious interference, unfair competition, and other business-related claims. Brodie has additional niche experience defending employers in high-stakes whistleblower actions brought under federal statutes like the Sarbanes-Oxley Act, the Dodd-Frank Wall Street Reform and Consumer Protection Act, and the Surface Transportation Assistance Act, before both the U.S. Department of Labor and federal courts in multiple jurisdictions.

In conjunction with his litigation practice, Brodie provides counsel and preventive advice to employers concerning a wide range of federal and state employment laws and regulations. He has also conducted highly-sensitive investigations of alleged C-suite, executive, and director misconduct or wrongdoing on behalf of public and private client companies, assisting board members, in-house counsel, and chief compliance officers along the way. Through his counseling work, Brodie has advised employers on steps to assess, improve, and ensure a robust culture of compliance with applicable laws. Brodie prides himself on presenting his clients with creative, cost-effective solutions to litigation and work place issues.

Prior to joining the firm, Brodie was an attorney in the Raleigh, North Carolina office of one of the largest labor and employment firms in the world.

Brodie is listed in the 2023 and 2024 editions of *Chambers USA: America's Leading Lawyers for Business* in the



area of Labor & Employment. Brodie has been recognized by *The Best Lawyers in America*® for Management Labor and Employment Law and Labor and Employment Litigation every year since 2021. He was named a North Carolina "Legal Elite" in 2016-2023 for Employment Litigation by *Business North Carolina* magazine. Brodie was recognized as a North Carolina "Rising Star" in the area of Employment Litigation: Defense in 2018-2022 by *Super Lawyers* magazine. *North Carolina Lawyers Weekly* named Brodie to its "Power List" for Employment Law in 2021 and 2023-2024.

## **Experience**

Lead attorney in numerous matters involving restrictive covenants (including noncompete, nonsolicitation, anti-raiding, and non-disclosure agreements), the misappropriation of trade secrets and other confidential information, and other tort claims related to unfair competition.

Lead attorney in numerous cases involving alleged employment discrimination and wrongful termination.

Obtained a preliminary injunction against the largest health and hospital system in Wake County, North Carolina, precluding it from enforcing overbroad restrictive covenants against a highly specialized cardiac electrophysiologist, and his new employer, allowing him to continue servicing patients in critical need of sophisticated medical care.

Defeated large corporations plea for injunctive relief against former executive working for a North Carolina-based employer in the Delaware Court of Chancery.

Defeated private equity backed corporations bid to enjoin North Carolina-based defense manufacturing firm from conducting business and employing former employees in the Philadelphia Court of Common Pleas, Commerce Division.

Obtained early dismissal of multi-count employment complaint alleging disability discrimination in the U.S. District Court Eastern District of Virginia.

\*Obtained a complete trial victory for the defense in a \$5 million restrictive covenant case involving competing pharmaceutical consulting firms in U.S. District Court for the Eastern District of North Carolina.

\*Obtained outright early dismissal in federal court in Virginia for one of the country's largest defense manufacturing firms in whistleblower case alleging violations of the Sarbanes-Oxley Act and the Dodd-Frank Wall Street Consumer Protection Act.

\*Victorious in oral argument before the North Carolina Court of Appeals, convincing the court to uphold early dismissal of multi-claim employment complaint filed against large U.S. company operating chain of boating supply and fishing retail stores.



\*Obtained early dismissal at the U.S. Department of Labor of complex Dodd-Frank whistleblower complaint alleging shareholder fraud in the U.S. operations of a multi-national conglomerate producing fire-safety and security equipment for commercial buildings.

\*Obtained summary judgment in the North Carolina Business Court, ultimately affirmed by the North Carolina Supreme Court, in favor of a large international company in a complex case brought under the North Carolina Trade Secret Protection Act alleging theft of a structural adhesive formula.

\*Obtained numerous dismissals of complaints filed before the U.S. Equal Employment Opportunity Commission, the U.S. Department of Labor, and various state agencies.

Serves as employment counsel, on a pro bono basis, to the Raleigh Rescue Mission, one of Raleigh's oldest 501(c)(3) organizations.

\*Experience gained by attorney prior to joining Kilpatrick

## **Education**

Wake Forest University School of Law J.D. (2012) *Order of the Barristers*

Appalachian State University B.S. (2009) *cum laude, departmental high honors*

## **Admissions**

North Carolina (2012)

## **Court Admissions**

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of North Carolina

## **Clerkships**

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## **Professional & Community Activities**

Boys and Girls Club of Wake County, Board of Directors

Wake County Bar Association, Board of Directors (2016-2018)

WCBA Young Lawyers Division, President (2015-2016)



Wake Forest University School of Law, Rose Council (Young Alumni Board of Visitors)

## Insights

### Alert

Court Strikes Down Department of Labor Rule Regarding Overtime Eligibility

November 15, 2024

### Alert

NLRB General Counsel Continues Targeting Non-Competes And Other Standard Employment Fare

October 8, 2024

### Perspectives

4 Key Takeaways | Employment Law Update: What You Need to Know Now and Next

September 18, 2024

### Publication

National Labor Relations Board Administrative Law Judge Finds Post-Employment Non-Compete and Non-Solicit Provisions Unlawful

September 17, 2024

### Events

In-House Counsel Summit

September 12, 2024