



## Marc B. Zimmerman

Partner | New York

mzimmerman@sgrlaw.com

Tel: 646-887-9584

Fax: 646-887-8158

---

### Areas of Practice

Litigation/Trial Practice | Labor and Employment | Consumer Products

---

Marc B. Zimmerman is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP. Mr. Zimmerman was a Partner at Freeborn & Peters, which combined with SGR in 2023.

A Premier management-side labor and employment attorney, Mr. Zimmerman believes a great lawyer must take time to understand each client's business and anticipate, as well as address, their specific needs. He does just that, and his hands-on approach to legal representation enables him to partner with his clients and build lasting relationships.

Mr. Zimmerman advises clients on a wide range of labor relations and business issues, including wage and hour compliance, classification issues, restrictive covenants, discipline, management training, policy development, reductions in force, investigations, discrimination, harassment, retaliation, whistleblower, and unemployment claims. He is also a sought-after negotiator and routinely assists management and executives in structuring, drafting, and reviewing employment contracts, contractor agreements, separation agreements, restrictive covenants, and executive compensation issues.

Mr. Zimmerman has represented employers in hundreds of actions, including administrative hearings, arbitrations, and lawsuits. No matter the forum – federal and state courts, contract arbitration, Departments of Labor, administrative agencies (including the Equal Employment Opportunity Commission, New York State Division of Human Rights, and various other state and city human rights agencies), or the National Labor Relations Board – Mr. Zimmerman is a highly-skilled practitioner with an expansive portfolio of representative clients.

### Continued

---

His clientele spans a range of industries, such as luxury goods, fashion, retail, automotive, manufacturing, real estate, building services, finance, education, health care, and insurance (including the underwriting sector).

Mr. Zimmerman is fluent in local and federal labor and employment law and is frequently called upon as a speaker and writer, and has been published and/or extensively quoted in *Women's Wear Daily*, *Workforce Magazine*, *Corporate Counsel*, *Inside Counsel*, *Human Resource Executive Magazine* and on *Law360.com*, *MSNBC.com*, and the *Associated Press*. He has been spotlighted as a New York Trailblazer by the *New York Law Journal* for his approach to creating reliable, predictable, collaborative, and relatable management.

While at Freeborn (now SGR), Mr. Zimmerman served as the Leader of the Labor & Employment Practice Group.

Mr. Zimmerman earned his B.A. from State University of New York at Binghamton, *with honors*, and his J.D. from Fordham University School of Law.

## Representative Experience

- Successfully defended a food distributor against a federal and state class and collective action involving alleged misclassification of warehouse management employees as exempt from overtime premium pay.
- Obtained dismissal of NYS Labor Law claims for alleged failure to pay "earned" bonuses.
- Successfully defended against whistleblower and retaliation claim by health care employee and was awarded sanctions against former employee and law firm representing former employee.
- Obtained summary judgment of numerous state and federal employment discrimination claims for fashion industry clients.
- Successfully defended numerous contractual discharge claims by non-management employees (both union and non-union) in the building service and automotive industries.
- Obtained voluntary dismissal of federal wage, discrimination, and retaliation claims and obtained letter of retraction for employees' allegations in pleadings.
- Negotiated high-level executive agreements in the entertainment, fashion, finance, real estate, private air travel, and other industries.
- Successfully prosecuted, defended, and resolved restrictive covenant issues for fashion clients.
- Negotiated and settled collective bargaining agreements in the building service, automotive, food distribution, and restaurant industries.

**Continued**

---

## Admissions

New York

New Jersey

United States Court of Appeals, Second Circuit

United States Court of Appeals, Eighth Circuit

United States District Courts, Southern, Eastern, Western and Northern Districts of New York

United States District Court, District of New Jersey

## Memberships

Long-time coach and fan of youth sports

Supporter, Backyard Sports Cares, Westchester, N.Y.

## Recognitions

*The Best Lawyers in America* - Litigation - Labor and Employment (2021)

*New York Law Journal* - New York Trailblazers (2019)

*The Best Lawyers in America* - Litigation - Labor and Employment (2019)

*Super Lawyers - Metro New York Edition*, Employment & Labor (2014 - present)

## Publications

- Co-Author, Client Alert: U.S. Department of Labor Issues Additional Guidance for Compliance with the Families First Coronavirus Response Act, *Freeborn & Peters LLP*, March 26, 2020.
- Co-Author, Client Alert: New York State Requires Sick Leave and Job Protection for Employees Subject to Quarantine or Isolation due to COVID-19 Crisis, *Freeborn & Peters LLP*, March 26, 2020
- Co-Author, Client Alert: President Signs COVID-19 Paid Leave Bill into Law, *Freeborn & Peters LLP*, March 19, 2020.
- Dress Code Red: That Policy May Need a Makeover, *Women's Wear Daily (WWD)*, November 7, 2019.
- How Fashion Employers Can Safeguard Against Legal Woes, *Women's Wear Daily (WWD)*, May 2, 2019.
- Diversity Beyond Jargon: Managing for a Truly Inclusive and Accessible Workplace Museum Store Association (MSA) Forward 2018, Washington, C., April 29, 2018.
- Co-Author, 5 easy ways hotel employers can steer clear of trouble, *Hotel News Now*, April 9, 2019.
- A Case for Managing Restaurant Management, *Modern Restaurant Management*, October 9, 2018.
- Co-Author, Congress Makes A Splash By Tackling Tip Pools, *Law360*, April 26, 2018.
- A tip: Be mindful of pending changes for gratuities, *Hotel News Now*, February 23, 2018.