

Eric E. Packel

RESTRICTIVE COVENANTS & TRADE SECRETS LITIGATION CHAIR

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As Chair of the firm's Restrictive Covenants & Trade Secrets practice, Eric Packel is a trial lawyer who represents local and national businesses in complex employment litigation, particularly claims brought under the Uniform Trade Secrets Act, and a variety of employee and shareholder related claims. For many of these clients, Eric also oversees and directs their general legal needs and consults them in their overall business strategies. Over the course of 20 years, Eric has tried cases to juries in five states, including:

- Violations of the Uniform Trade Secrets Act
- Violations of the Defend Trade Secrets Act
- Breach of Non-Competition and Non-Solicitation Agreements
- Claims brought under Federal and State anti-discrimination statutes
- Breach of Operating Agreements
- Breach of Employment Agreements
- Breach of fiduciary duties
- First Amendment

Recently, Eric obtained a \$3.3 million jury verdict, representing a company in a case brought for violations of the Missouri Trade Secrets Act, against a competing company and its principals. He also recently received three defense verdicts from juries in Jackson County, Missouri Circuit Courts on discrimination cases brought under the Missouri Human Rights Act. One of the cases was based upon race discrimination; one was based upon pregnancy discrimination; and one was based upon age discrimination. One of those cases was a month long trial involving a claim of age discrimination against the Kansas City Chiefs, in which Eric and his partner obtained a defense verdict.

Regularly leading a team that handles all of the employment discrimination allegations brought against a large healthcare institution, which employs more than 10,000 employees, Eric has defended the institution in multiple Charges of Discrimination before the Equal Employment Opportunity Commission and a state Human Rights Commission for the last 5 years.

In addition to his health care clients, Eric has represented employers in the following industries:

Capabilities

- Restrictive Covenants & Trade Secrets Litigation
- Employment Advice & Investigations
- Employment Litigation, Arbitration & Dispute Resolution
- Labor & Employment
- Labor & Employment - Health Care
- Litigation
- Consumer Products & Luxury Goods

- Food and ingredient manufacturing
- Information technology and security
- Construction and building supply
- Machinery
- Financial services

As part of Eric's Restrictive Covenant/Trade Secret Practice, Eric regularly appears and argues Motions for Temporary Restraining Orders and Injunctions at the onset of these matters. During the past year, Eric has successfully obtained and defeated those Motions in cases regarding a variety of industries.

Education

- University of Oklahoma (J.D., 1993)
 - with distinction; Recipient, American Jurisprudence Award, Trial Techniques
- University of Kansas (B.A., 1990)

Bar Admissions

- Missouri, 2000
- Oklahoma, 1993
- Kansas, 2006

Court Admissions

- United States Supreme Court
- U.S. District Court, District of Kansas
- U.S. District Court, Western District of Missouri
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Northern District of Oklahoma
- U.S. District Court, Eastern District of Oklahoma
- U.S. District Court, Western District of Oklahoma
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Eighth Circuit

Memberships

- American Intellectual Property Law Association
 - Trade Secret Law Committee
- Milburn Country Club, Board of Directors, 2011-2015
 - President, 2013-2014
 - Vice-President, 2012-2013
- Board for the Kansas City Business Partnership Initiative
 - Founding Member
- American Bar Association
 - Labor and Employment Law Section
- The Missouri Bar
- Oklahoma Bar Association, Charter Member
 - Litigation Section
- Kansas City Metropolitan Bar Association
- Human Resource Management Association of Johnson County
- Society for Human Resource Management
- Treads and Threads, benefiting University of Kansas Hospital
 - Former Ambassador
- Cougar Booster Club, Vice-President, 2010-2012

Recognition

- Selected for inclusion in *Best Lawyers in America*® for:
 - Employment Law - Management, 2020-2026
 - Litigation - Labor and Employment, 2019-2026
- Named "Litigation Star" by *Benchmark Litigation*, 2020-2026
- *Martindale-Hubbell*® AV Rated
- Recipient of *Ingram Magazine's* "40 Under 40" distinction, 2007
- Ranked in *Chambers USA: America's Leading Lawyers for Business*, Labor & Employment, Missouri: Kansas City & Surrounds, 2015 - 2016, 2024-2025

Matters

- *Red Rock Packaging v. VC999 et al.*, Jury Trial, District Court of Johnson County, Kansas, August 2022. Represented Plaintiff Red Rock, alleging that Defendants misappropriated trade secrets and confidential information such as financial documents and customer lists. Jury verdict for \$1.43 million in favor of Red Rock as well as punitive damages and attorneys' fees.
- *Wiedmaier v. Cereal Ingredients, Inc.*, Jury Trial, District Court of Leavenworth County, Kansas, December 2018. Represented Defendant in whistleblower/retaliation lawsuit brought by the most senior Quality Assurance Technician who was terminated following the filing of OSHA complaints and NLRB complaints. Jury returned a unanimous verdict after 30 minutes of deliberation.
- *Travois, Inc. v. Vital Spirit et al.*, Jury Trial, Circuit Court of Jackson County, Missouri, September 2016. Represented Travois, alleging that Defendants misappropriated Travois' Financial Model and documents used to obtain Low Income Housing Tax Credits for Native American Tribes. Jury verdict for \$3.3 million in favor of Travois.
- *Wright v. American Builders and Contractors Supply Company, Inc. d/b/a ABC Supply Co. and Jason Brooks*, Jury Trial, Circuit Court of Jackson County, Missouri, May 2014. Represented Defendants in a race discrimination lawsuit brought under the Missouri Human Rights Act brought by an African-American man who was terminated by Defendants. The jury returned a unanimous verdict in both Defendants' favor.
- *Cox v. Kansas City Chiefs Football Club*, Jury Trial, Circuit Court of Jackson County, Missouri, February – March 2013. Represented the Kansas City Chiefs in a month long age discrimination case in Eastern Jackson County. The jury returned a verdict in the Chiefs' favor.
- *Carnes v. FishNet Security, Inc.*, Jury Trial, Circuit Court of Jackson County, Missouri December 2012. Represented FishNet Security in a pregnancy discrimination case in Jackson County under the Missouri Human Rights Act. Received a defense verdict in one hour.
- *Burford v. Myers National Mortgage Company*, Jury Trial, Circuit Court of Jackson County. Former shareholder sued National Mortgage Company for breach of fiduciary duty, breach of shareholders' agreement, and other claims. Received multi-million dollar verdicts on counterclaims for breach of Employment Agreement and violations of the Uniform Trade Secrets Act.
- *Cottrill and Combs v. MFA, Incorporated*, United States Court of Appeals for the Eighth Circuit. Summary Judgment affirmed by the Eighth Circuit Court of Appeals in a sexual harassment case brought by two female employees on whom their supervisor "peeped" in the bathroom for five years through a peephole he created.

Argued that the women never knew of the peeping until they reported their suspicion and that the women could not have subjectively believed they were being harassed since they did not know of the peeping until it was discovered.

- *Majors v. McAlester Regional Health Center Authority*, Jury Trial, United States District Court for the Eastern District of Oklahoma. Chief Executive Officer was fired after 16 years as CEO after he openly criticized the Board and physicians who practiced at the Hospital, claiming the care was substandard and the Board had done nothing to improve it, over his suggestions. The CEO was discharged without a hearing in front of the Board. He brought claims of violation of First Amendment, Breach of Employment Agreement, violation of Due Process and Liberty and alleged damages of \$6 million. Jury returned a unanimous verdict within 30 minutes after a week-long trial.
- *Thomas v. University of Kansas Hospital Authority*, Public Employer-Employee Relations Board. Following a week long hearing, obtained an Order from the Public Employer-Employee Relations Board on Medical Center's behalf where Claimant alleged that her employment was terminated because she was a Union Steward.
- *Jackson v. Department of Corrections*, United States District Court for the District of Kansas. Eric was appointed to represent an inmate pro bono on claims of excessive force used against the inmate while waiting to obtain medications from the infirmary. The inmate refused to stand, stating he had medical restrictions from prolonged standing, and was pulled to his cell. Eric received a judgment of \$10,000 for actual damages against each individual defendant and \$15,000 for punitive damages. He was also awarded \$40,000 in attorneys fees.