

Matthew E. Kapsak

SHAREHOLDER

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As a shareholder in the firm's Labor and Employment practice, Matthew Kapsak recognizes that employers face an ever-changing regulatory environment, which, if not addressed properly, has the potential to lead to legal entanglements that can impact productivity and profitability. Matthew works with Polsinelli's national team of labor and employment attorneys to provide counsel, protect employers' trade secret and proprietary information, and when needed, aggressive defense.

Matthew and the Labor and Employment team assist clients with a broad range of legal services, including:

- Restrictive covenants and trade secret litigation
- Employment litigation defense
- Employment advice and training
- Wage and hour class and collective actions representation

Education

- University of Colorado Law School (J.D., *Dean's List*, 2016)
 - CU Law Review, Casenote & Comment Editor
- American University (BA, *magna cum laude*, 2007)

Bar Admissions

- Colorado, 2016

Court Admissions

- State of Colorado
- U.S. District Court, District of Colorado
- U.S. District Court, District of Nebraska
- U.S. District Court, Eastern District of Michigan

Memberships

Capabilities

- Labor & Employment
- Employment Advice & Investigations
- Employment Litigation, Arbitration & Dispute Resolution
- Employment Class & Collective Actions

- *Law360* Labor & Employment Editorial Board, 2026
- Colorado Bar Association
 - Labor & Employment Division
 - Employer Side Diversity, Equity, and Inclusion Liaison
- Denver Bar Association
 - Young Lawyers Division
- American Bar Association
- Faculty of Federal Advocates
- USDC Civil Pro Bono Panel
- U.S. Peace Corps
 - Community HIV/AIDS Outreach Volunteer
- U.S. Department of Justice, Antitrust Division
 - National Criminal Enforcement Section, Paralegal Specialist

Civic Involvement

- Denver Broncos Stampede Drumline, 2015-present
- Colorado Judicial Institute Young Professionals Committee, 2019-2025
 - Chair, 2021-2022

Recognition

- Named to *5280 Magazine's* "Denver's Top Lawyers" list for Labor/Employment: Defense, 2025-2026
- Participant, Polsinelli Trial Academy facilitated by NITA, 2024
- Named one of *Best Lawyers: Ones to Watch® in America* in:
 - Labor and Employment Law - Management, 2024-2026
 - Litigation - Labor and Employment, 2024-2026

Matters

- Obtained a defense verdict in a federal jury trial, concerning race, color, sex, national origin, ethnicity and ancestry claims under Title VII, Nebraska Fair Employment Practices Act and 42 U.S.C. Sec. 1981 alleged by an interventional cardiologist against his former employer, a large network of community-based medical providers. Plaintiff sought a minimum of \$2.4 million in lost wages, compensatory damages and additional punitive damages from the jury. If plaintiff had succeeded on just one of his claims, additional equitable remedies of front pay and attorneys' fees would have been determined by the judge, for a total possible minimum liability of \$3.4 million.
- Prevailed on motion to dismiss and obtained award of attorneys' fees defending a Colorado hospital association against claims of negligence (respondeat superior), negligent operations, training, and/or supervision of personnel, negligent infliction of emotional distress, invasion of privacy, breach of contract, and breach of fiduciary duty.
- Successfully negotiated settlement with the Department of Labor to resolve Fair Labor Standards Act collective action filed against Florida home care registry.
- Represented hospital association in multiple class actions regarding proper payment for meal and rest breaks, rounding practices and other wage and hours issues under Washington law.
- Prevailed at bench trial to enforce Colorado non-competition and non-solicitation

provisions against former employee of hair salon.