

## SHELLY R. PAGAC PARTNER



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SHELLY R. PAGAC is a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP, where she is the Practice Group Leader for the Employment and Labor Practice Group.

Ms. Pagac has been counseling, training, and defending employers since 1988. Ms. Pagac has successfully defended her clients in state and federal courts throughout the United States including: Alabama, Arizona, California, Illinois, Indiana, Iowa, Kentucky, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, Texas and Utah. She has litigated cases in all areas of employment law including: non-compete agreements, class actions under the Fair Labor Standards Act, Title VII, the Age Discrimination in Employment Act, the Family Medical Leave Act, the Americans with Disabilities Act, Sarbanes-Oxley, and various state tort claims, such as defamation, wrongful discharge and breach of contract. In litigating these matters, Ms. Pagac has tried a number of cases to verdict, which resulted in her becoming a member, in 2009, of the Academy of Trial Lawyers of Western Pennsylvania. Most recently, in 2019, Ms. Pagac tried a five day sexual harassment trial in the Western District of Pennsylvania to verdict. The Academy is a prestigious organization whose members are by invitation only with an equal number of plaintiff and defense attorneys meeting the trial criteria for membership. Ms. Pagac currently serves on the Academy's Board of Directors.

Recently, because of the impact of the #MeToo movement, a large portion of Ms. Pagac's practice involves conducting investigations.

Ms. Pagac is a Hearing Committee Member serving on the Disciplinary Board of the Supreme Court of Pennsylvania. She began her three-year term July 1, 2020. Ms. Pagac is an approved mediator for the Federal District Court for the Western District of Pennsylvania. Ms. Pagac has served as a member of the planning committee for the Pennsylvania Bar Institute's Employment Law West seminar since 2018.

Ms. Pagac is a former Board Member for the Professional Liability Attorney Network. PLAN is a national organization of independent, AV-rated law firms, with attorneys specializing in Professional Liability; Directors & Officers; Coverage/Bad Faith; Cyber; Employment Practices Liability/Labor & Employment; ERISA/Fiduciary; and Financial Institutions.

Ms. Pagac is committed to giving back to the community. She currently serves on the Board of Quantum Theatre, where she was the 2019 Co-Chair for the annual Q-Ball fundraiser. Previously, some of Ms. Pagac's community activities included the following: former Board Member and Vice-Chair of the Bricolage Theatre Board of Directors in 2018-2020; Chair of the Women in Law Division of the Allegheny County Bar Association for 2016-2017; Board of Directors for Pittsburgh Action Against Rape, a victim's rights organization, from 2008-2014;

Board of Governors for the Allegheny County Bar Association from 2006-2011, 2012-2015, and 2016-2017; Zone 12 Governor for the Pennsylvania Bar Association; a fellow of the Allegheny County Bar Foundation and the Pennsylvania Bar Foundation.

Ms. Pagac has received various awards. In February 2018, the Women's Bar Association of Western Pennsylvania awarded Ms. Pagac with the *Susan B. Anthony Award*, which honors an individual who promotes equality in the legal profession. In 2014, Ms. Pagac received the *Nora Barry Fischer Award* from her law firm which recognizes an attorney within the firm who has given back to the legal profession and the community at large. In June 2011, the Allegheny County Bar Association awarded Ms. Pagac the prestigious *Philip Werner Amram Award*, which recognizes individuals who personify professional excellence and have demonstrated substantial commitment to the ideals of the Allegheny County Bar Association and to the betterment of the community. Based on professional achievement and peer recognition, she has been selected in the *Top 50: 2015 Pittsburgh Super Lawyers* and in the *Top 50: 2015 Women Pennsylvania Super Lawyers*. In addition, she has been selected as a *Pennsylvania Super Lawyer* 2013 through 2022 in the area of Employment Litigation Defense. Since 2021, Ms. Pagac has been recognized in *Best Lawyers in America* for her practice in Litigation- Labor and Employment.

## Representative Matters

*Archinaco/Bracken v. Samuel Cordes*, No. GD 16-002943 (May 20, 2019) (intentional interference with contractual relations and quantum meruit)

*Harris v. Midas, et al.*, Civil Action No. 2:17-cv-00095 (W.D. Pa. March 29, 2019) (franchisor liability)

*Gale v. UPMC Horizon*, Civil Action No. 2:12-cv-00617 (W.D. Pa. October 7, 2013) (sexual harassment and retaliation)

*Hall and McCombs v. Guardsmark, LLC*, Civil Action No. 2:11-cv-00213 (W.D. Pa. September 11, 2013) (Fair Labor Standards Act)

*Murphy v. Center for Emergency Medicine of Western Pennsylvania, Inc. d/b/a Stat Medevac*, Civil Action No. 2:11-cv-01512 (W.D. Pa. May 8, 2013) (age discrimination)

*Ma v. Westinghouse Electric Company, LLC*, Civil Action No. 2:11-cv-00970 (W.D. Pa. April 26, 2013) (religion, sex and retaliation)

*Mufti v. Aarsand & Co.*, C.A. 08-314 (W.D. Pa. October 22, 2009) (race harassment)

*LeGrande v. Alcoa*, 1:05CV00376 (M.D. N.C., May 16, 2007) (race discrimination)

*Bell v. Tifton Aluminum Co., Inc. and Sizemore Inc.*, No. 2003-CV-1031 (Super. Ct. Ga., December 15, 2005) (premises liability)

*Mockobee v. Alcoa*, EV 02-78-C-Y/H (S.D. Ind., August 25, 2003) (race discrimination)

*Gomer v. Alumax Mill Products*, No. 5:01CV233 (E.D. Tex., August 5, 2003) (race discrimination)

*Sauseda v. Alcoa*, No. V-01-20 (S.D. Tex., June 23, 2003) (sex discrimination and harassment)

*McDermott v. Cont. Midland, Inc.*, No. 02 C 8063 (N.D. Ill., June 13, 2003) (breach of contract based on employee handbook and defamation)

*McMillan v. Alcoa and United Steelworkers of America*, No. 3:02-CV-523 (E.D. Tn., January 28, 2003) (labor management relation)

*Adams v. Alcoa*, No. 2:02-CV-146 (E.D. Tn., September 19, 2002) (ERISA)

*Singley v. Cordant Technologies, Inc.*, No. 1:00cv153 DB (D. Utah, August 19, 2002) (disability discrimination)

## Speaking Engagements

"Workplace Lessons Learned from COVID-19," *Pennsylvania Bar Institute Employment Law Institute West 2021*, (Virtual), November 17, 2021

"The Impact of the #MeToo Movement on Employment Cases: *Bogaski v. Allegheny County*," *Pennsylvania Bar Institute Employment Law Institute West 2019*, Pittsburgh, PA, November 20, 2019

"Insurance Coverage and the #MeToo Movement," *RIMS Pittsburgh Chapter's EPLI Emerging Claim Trends &*

*Coverage Issues*, Pittsburgh, PA, February 12, 2019

"The Sequel – Harassment Investigations #whatsnext?" *Pittsburgh Human Resources Association (PHRA)*, Pittsburgh, PA, November 30, 2019

*Pennsylvania Bar Institute Employment Law Institute West 2019*, Pittsburgh, PA, November 19-20, 2019

"An Interactive Study of a Sexual Harassment Case," *Pennsylvania Bar Institute Employment Law Institute West 2018*, Pittsburgh, PA, November 13, 2018

"Responding to Allegations of Sexual Misconduct," *Pennsylvania Bar Institute*, Philadelphia, PA, April 23, 2018

"Civil Trial Practice in Western Pennsylvania," *Academy of Trial Lawyers of Allegheny County 19th Annual Symposium*, Pittsburgh, PA, April 20, 2018

"Workplace Investigations- Don't Be the Next Headline," *Pittsburgh Human Resource Association's Employment Law Day*, Pittsburgh, PA, December 1, 2017

"Early Neutral Evaluation: What Works, What Does Not Work," *PBI's Employment Law Institute West*, Pittsburgh, PA, November 16, 2017

"Issues Arising with Employers & Social Media," *Human Resources & Leadership Symposium's 9th Annual Conference*, Pittsburgh, PA, April 18, 2017

"Drafting an Enforceable Non-Compete Agreement," *PBI's Employment Law Institute West*, Pittsburgh, PA, November 17, 2016

"Career and Leadership Planning," *Pennsylvania Bar Association Commission on Women in the Profession*, Bedford, PA, November 11, 2016

"The Art of Achievement," *ACBA Women in the Law 4th Annual Women's Legal Summit*, Pittsburgh, PA, August 17, 2016

"Employment Law Workshop for Non-Profits," *Greater Pittsburgh Arts Council*, Pittsburgh, PA, January 28, 2016

"What You Should Be Considering When Using Social Networking Sites in the Hiring Process," *Human Resources Association of the Alleghenies*, Johnstown, PA, November 4, 2015

"Dealing with the Problem Employee," *Pennsylvania Bar Institute*, Pittsburgh, PA, September 24, 2015

"What Can We Learn About Mediation From the 'Game of Thrones'," *Pittsburgh Human Resource Association*, Pittsburgh, PA, September 9, 2015

"The World of Employment Practices Claims: Sex, Lies & Religion. What's Next?" *Professional Liability Attorney Network ("PLAN") Regional Meeting*, Chicago, IL, July 29, 2015

"Responding to Allegations of Sexual Misconduct: A Legal Update for Employers, Educators, and Health Care Providers," *Pennsylvania Bar Institute*, Pittsburgh, PA, July 21, 2015

"Pregnancy Discrimination in the Workplace," *Pennsylvania Bar Institute*, July 10, 2015

"FMLA Updates," *10th Annual Employment Seminar*, Sponsored by the Erie County Human Relations Commission, Erie, PA, June 25, 2015

"Reasonable Accommodation for Religious Reasons Webinar," *Pittsburgh Human Resource Association (PHRA)*, March 26, 2015

"Ethically Speaking: Keeping Up With Social Media and Other Technology Impacting Your Practice (ETHICS)," *PBA Midyear Meeting* in Jamaica, January 2015

"Reasonable Accommodations for Religious Reasons," *Pennsylvania Bar Institute's Employment Law Institute West*, November 13, 2014

"Employment Law Nightmares: What's Keeping You Up at Night?" *PLAN Regional Meeting: Hartford '14*, October 23, 2014

"What You Should Be Considering When Using Social Networking Sites In The Hiring Process?," *Pennsylvania Bar Institute's Social Media: Do Employers "Like" What Their Employees Are Doing Online*, August 29, 2014

"Metadata Mysteries Unveiled - Nothing 'Foren'-tured, Nothing Gained," *ACBA Federal Courts Section, Trial Lawyers, and FBA*, January 24, 2014

"Business Litigation in the Federal Courts," *Academy of Trial Lawyer's Program*, December 2013

"When Can an Employer Terminate an Employee for Comments Made on a Social Networking Site – Is Calling

the Employee's Supervisor a "Jerk" Enough?," *Pennsylvania Bar Institute's Employment Law Institute West*, November 2013

"Dealing with the Problem Employee," *Pennsylvania Bar Institute*, September 2013

"Law Firm Economics," *Duquesne Law School*, August 2013

"Employment Law: Risk Management Survival Guide," PNC Park, July 2012

"Breakfast With The Judges," Moderator, *Allegheny County Bar Association's 50th Golden Anniversary Bench-Bar Conference*, June 2012

"From Ho, Ho, Ho to No, No, No." *Western PA Human Resource Association*, December 2012

"Managers Under Fire: How to Evaluate and Discipline Employees in a Union or Non-Union Workplace," *Pennsylvania Bar Institute's Employment Law Institute West 2011*, November 2011

"What If I Were Managing Partner...," Moderator, *Allegheny County Bench Bar Conference*, June 2011

"Employment Law Trends," *Chartis Claims Advisory Board*, Pittsburgh, PA, June 2011

"Avoiding Discovery Traps that Can Derail Your Case," *Allegheny County Bench Bar Conference*, June 2010

"Managing Performance Issues," *Ohio Ambulance Medical Transportation Association Annual Preconference*, June 2010

"During Employment – Addressing the Problem," *Dealing With the Problem Employee, Pennsylvania Bar Institute Seminar*, June 2010

"Handling the Sexual Harassment Case," *Pennsylvania Bar Institute Seminar*, February 2010

"Pink Slips: The Impact of Reductions in Force on Diversity," *Allegheny County Bench Bar Conference*, June 2008

"How to Write and Implement Effective Personnel Manuals," *Automatic Data Processing Seminar*, Pittsburgh, Pa., June 2000

"Hiring and Firing," *Automatic Data Processing Seminar*, Pittsburgh, Pa., April 2000

"Enforcing Covenants Not to Compete," Scottsdale, Az., March 2000

## **Publications**

Pagac, Shelly R. and Jennifer R. Russell. "English Only Rules in the Workplace Still Subject to Scrutiny," *Pennsylvania Law Weekly*, March 6, 2012.

"*Wal-Mart Stores, INC. V. Betty Dukes, Et Al.*, The Supreme Court Steps in to Rein in Class Action Litigation," *Upon Further Review*, November 1, 2011.

"The Faragher/Ellerth Affirmative Defense," *Pennsylvania Bar Institute*, February 2010.

## **Bar Admissions**

Pennsylvania

Illinois

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court - Western District of Pennsylvania

U.S. District Court - Eastern District of Pennsylvania