



David B. Dibble

Shareholder

801-323-3370

Practice Areas

- Appellate Practice
- Employment and Labor Law and Litigation
- Litigation

Mr. Dibble is a shareholder of the firm, and he is a member of the firm's Employment Section, where his practice focuses primarily on defending employers in a range of employment matters. He is also involved in a broad range of litigation and commercial matters.

Mr. Dibble has experience representing both large and small companies at all stages of litigation, and his practice includes complex commercial litigation, general litigation, federal and state employment litigation, administrative agency practice, and advising on business and employment issues, including compliance with Title VII, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Family and Medical Leave Act (FMLA), and the Fair Labor Standards Act (FLSA). He also represents employers in cases involving claims of discrimination, harassment, and retaliation.

Prior to joining the firm, Mr. Dibble completed judicial clerkships at both the United States District Court for the District of Utah, where he clerked for Chief Judge Dee V. Benson, and at the Utah Court of Appeals, where he clerked for Judge James Z. Davis. While clerking, Mr. Dibble gained valuable insight into both federal and state litigation, and trial and appellate practice.

Mr. Dibble maintains an AV Preeminent (4.8) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. He has also been selected for inclusion in *Mountain States Super Lawyers* (2017) in the category of Employment Litigation and has been selected by his peers as one of Utah's "Legal Elite," as published in *Utah Business Magazine* (2009-2012, 2016).

Representative Cases

- *Branham v. Delta Airlines, Inc.*, Case No. 2017 WL 460989 (10th Cir. Feb. 3, 2017). Affirming summary judgment granted in favor of Delta on claims brought by former employee, including for



FMLA interference.

- *Zoutomou v. Kennecott Utah Copper*, 550 Fed. Appx. 647 (10th Cir. 2013). Summary judgment affirmed in favor of Kennecott on claims brought by former employee alleging age and race discrimination.
- *Barker v. Wal-Mart Stores*, Case No. 060401218 (2010). Summary judgment granted in favor of Wal-Mart against 130 plaintiffs in Consumer Sales Practices Act case.
- *Smith v. Delta Air Lines, Inc.*, Case No. 2:07-CV-00843 (2010). Summary judgment granted in favor of Delta on claims brought by former employee, including race and age discrimination, retaliation, breach of contract, breach of covenant of good faith and fair dealing, tortious interference, defamation, and negligent supervision claims.
- *McNeil v. Kennecott Utah Copper Corp.*, 2010 WL2232259 (10th Cir. 2010). Summary judgment affirmed in favor of Kennecott on race discrimination, racially hostile work environment, and retaliation claims.

Education

J. Reuben Clark Law School, Brigham Young University, J.D., 2004

- *cum laude*
- Senior Editor, BYU Law Review

University of Utah, Honors B.A., Speech Communication, 2001

- *cum laude*
- Phi Beta Kappa Honor Society
- Phi Kappa Phi Honor Society



Prior Professional Experience

- Judicial Clerkship, Chief Judge Dee V. Benson, U.S. District Court, District of Utah, 2005 – 2006
 - Judicial Clerkship, Judge James Z. Davis, Utah Court of Appeals, 2004 – 2005
 - Judicial Intern, Judge Bruce S. Jenkins, U.S. District Court of Utah, May 2002 – August 2002
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Admitted to Practice

- Utah State Bar
 - United States District Court, District of Utah
 - United States Court of Appeals, Tenth Circuit
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Affiliations / Memberships

- Aldon J. Anderson American Inn of Court
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Professional and Civic Activities

- Board of Directors, Federal Bar Association, Utah Chapter
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Publications / Presentations

- Presenter, “Legal Issues Raised by International Expansion,” 2013 Salt Lake SHRM Employment Law Seminar
 - Presenter, “How the Squeaky Wheel Gets the Grease: Understanding Whistleblower Laws,” 2013 Salt Lake SHRM Employment Law Seminar
 - “Is that Worker an Employee or an Independent Contractor?,” The Employers Council, April 2009
 - David B. Dibble, *Parental Rights Movement on Utah’s Capitol Hill Should Not Make Gains at the Expense of the State’s Children*, 2005 BYU Educ. & L.J. 1 (2005)
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