



## Rick R. Thaler

Shareholder

801-323-3358

## Practice Areas

- Litigation
- Employment and Labor Law and Litigation
- Personal Injury and Insurance Litigation
- Winter Sports Practice Group
- Appellate Practice
- Tax Planning and Tax Controversies
- Transportation Law
- Automobile Dealer Law

Mr. Thaler has been practicing law at Ray Quinney & Nebeker for more than 22 years since receiving both his undergraduate and law degrees from Duke University. He is a shareholder and director of the firm. His practice includes complex commercial litigation, general litigation, federal and state employment litigation, appellate litigation, trade secret litigation, tort and contract claims, administrative agency practice, tax controversies, and consultation with companies on a wide variety of business and employee issues. He has significant experience representing large manufacturers, airlines, mining concerns, oil companies, national retail and hotel chains, winter sports related companies, and businesses nationwide in a number of other industries.

As the longest currently-serving member of the firm's Executive Committee, Mr. Thaler oversees and manages all aspects of the firm's business. He also currently serves as Chair of the firm's Winter Sports Practice Group and Vice Chair of the firm's Employment Section. Previously, Mr. Thaler served a four-year term as Marketing Partner and Chair of the firm's Business Development Committee, and was one of three members of the firm's Associate Committee responsible for the supervision and professional development of the firm's associate attorneys.

Mr. Thaler consistently receives excellent ratings in numerous peer reviews. He maintains an AV Preeminent (5.0) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. In addition, he is regularly listed in *The Best Lawyers in America*, is voted by his peers as one of Utah's "Legal Elite," as published in *Utah Business Magazine* (2005-2017), and is listed among the top 5% of lawyers by *Mountain States Super Lawyers*, another peer reviewed process. Mr. Thaler has been recognized in *Chambers USA* in Labor & Employment. Clients and lawyers surveyed by *Chambers USA* report that Mr. Thaler is an "uncanny judge of character with an excellent ability for exacting the truth from people," that "his knowledge of employment and labor issues is



encyclopedic," and praise his writing as "keen and concise." He is also one of only five attorneys in the State inducted into the Association of Ski Defense Attorneys (a group focused on defending ski resorts).

Mr. Thaler served two four-year terms on the Advisory Council for the Utah Antidiscrimination and Labor Division, which advises the Labor Commission and the Utah Legislature regarding labor and employment issues. Currently he is on the board of the Economic Development Corporation of Utah, a public/private partnership that works with state and local government and private industry to attract and grow competitive, high-value companies and spur the development and expansion of Utah business.

#### RECENT HIGHLIGHTS

- Successfully defended Alta Ski Area against constitutional claims (based on federal land use) seeking to force it to abandon its successful skiing-only business model and allow snowboarding
- Prevailed in Labor Arbitration on contract interpretation issue valued at approximately \$10 million
- Obtained emergency protective order regarding trade secrets valued at \$10 million
- Obtained directed verdict at trial in age discrimination (ADEA) and retaliation case for defendant/employer
- Obtained settlement valued at \$20 million for corporate client in tax case
- Obtained settlement valued at \$30 million for corporate client in commercial contracting case
- Obtained summary judgment in favor of corporate defendant in Consumer Sales Practices Act case brought by 130 plaintiffs
- Obtained dismissal of corporate defendants in propane explosion case
- Obtained favorable settlement for defendant/employer in federal Fair Labor Standards Act case with 66 plaintiffs
- Obtained favorable settlement for defendant/employer in fair employment and housing and wage case with 35 plaintiffs



## REPRESENTATIVE CASES

- *Wasatch Equality et al v. Alta Ski Area, United States Forest Service et al*, 2016 WL 1566626, \_\_\_ F.3d \_\_\_ (10th Cir. 2016). Affirmed lower court decision denying constitutional claims, and allowing ski resort to continue its successful skiing-only business model.
- *Branham v. Delta Airlines, Inc.*, Case No. (2016). Summary judgment granted in favor of Delta on claims brought by former employee, including ADA, FMLA, ERISA, age discrimination, breach of contract, and breach of covenant of good faith and fair dealing.
- *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.
- *Thomas v. Avis Budget Group*, 408 Fed. Appx. 145 (10th Cir. 2011). Summary judgment affirmed in favor of Avis on former employee's ADA failure to accommodate and retaliation claims.
- *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.
- *Nelson v. Marriott International*, Case No. 8070434 (2010). Summary judgment granted in favor of Marriott on sexual harassment, gender discrimination, and retaliation 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.
- *Ogbedeagu v. Autoliv ASP, Inc.*, 2006, WL 3307258 (10th Cir. 2006) (affirming summary judgment on claims for race discrimination, military discrimination (USERRA), and retaliation).



- *Knapp v. America West Airlines, Inc.*, 2006 WL 3387852 (10th Cir. 2006) (affirming summary judgment for airline on FMLA case and motion to dismiss state claims based on federal preemption).
- *Prathan v. Autoliv ASP, Inc.*, 117 Fed. Appx. 650 (10th Cir. 2004) (affirming summary judgment to Autoliv on all claims, including ADA, ERISA, implied contract, and implied covenant of good faith and fair dealing claims).
- *Eddy v. Autoliv ASP, Inc.*, 203 Ut. App. 97 (Ut. Ct. App. 2003) (affirming summary judgment to Autoliv on defamation and false light claims on the grounds of conditional and absolute privilege, and on the merits).
- *Peterson v. Delta Air Lines, Inc.*, 42 P.3d 1253 (Ut. Ct. App. 2002) (affirming state court dismissal of breach of implied contract, civil conspiracy, and intentional infliction of emotional distress claims on federal pre-emption grounds).
- *Hollins v. Delta Airlines*, 238 F.3d 1255 (10th Cir. 2001) (affirming summary judgment for Delta on Title VII and Section 1981 race discrimination claims).
- *Packard v. Continental Airlines, Inc.*, 24 Fed. Appx. 960 (10th Cir. 2001) (cert. denied) (Tenth Circuit affirmed summary judgment for Continental in FMLA case, and United States Supreme Court denied cert.).
- *Eddy v. Autoliv ASP, Inc.*, 2000 U.S. App. LEXIS 20165 (10th Cir. 2000) (Tenth Circuit affirmed summary judgment for Autoliv on Title VII sexual and racial hostile work environment claims, discrimination, Equal Pay Act, and state law claims).
- *Hansen v. Alta Ski Lifts Company*, 1998 U.S. App. LEXIS 6578 (10th Cir. 1998) (affirming summary judgment for ski resort in Title VII retaliation claim).
- *Keoughan v. Delta Air Lines, Inc.*, 1997 U.S. App. LEXIS 12232 (10th Cir. 1997) (affirming summary judgment for Delta on ADA claim).



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## Education

Duke University, J.D., 1994

Duke University, B.A., Public Policy Studies, 1990

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## Admitted to Practice

- United States Supreme Court
  - United States Court of Appeals, Ninth Circuit
  - United States Court of Appeals, Tenth Circuit
  - United States District Court, District of Utah
  - United States District Court, District of Massachusetts
  - United States District Court, District of California
  - United States District Court, District of Colorado
  - Utah Supreme Court
  - Utah Court of Appeals
  - Utah State Bar
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## Affiliations / Memberships

- Board Member, Economic Development Corporation of Utah
  - Member, American Bar Association
  - Member, Utah Bar Association
  - Member, Salt Lake County Bar Association
  - Member, American Employment Law Council
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## Publications / Presentations

- Sarbanes-Oxley: Managers Can Be Held Criminally Liable for “Retaliating” Against “Whistleblowers”, Utah Business magazine, May 2005
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- Maintaining a Union Free Environment
- Finding and Retaining More A's & B's and Getting Rid of the C's
- The Pitfalls of Charitable Performance Reviews
- Avoiding Liability Through Employee Handbooks
- Americans With Disabilities Act: The Courts Deliver Answers
- Recent Developments in Utah Employment Law
- Sex Discrimination in the Workplace: Some Guidelines for Employers and Legal Update
- Same-Sex Sexual Harassment: Is It Actionable
- Limiting Liability During Downsizing
- Defamation/Employer Reference Issues: Can I Be Honest and Get Away With It
- Sexual Harassment Update
- Theories of Wrongful Discharge
- Conducting an Internal Investigation
- Supervisor Harassment and Employer Liability