



Robert O. Rice

Shareholder

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Practice Areas

Automobile Dealer Law
Employment and Labor Law and Litigation
Intellectual Property
Litigation
Personal Injury and Insurance
Litigation
Winter Sports Practice Group
COVID-19 Response Team

Rob Rice practices in the areas of commercial litigation, labor and employment law and intellectual property law. In his commercial litigation practice, Rob has represented clients in software license disputes, trade secret controversies, non-competition and non-solicitation enforcement actions, water law matters, oil and gas matters and complex business disputes. With more than twenty-five years of litigation experience, Rob has assisted clients at all stages of litigation throughout the United States, from proceedings for injunctive relief to jury and bench trials in state and federal court. His clients include national retailers and telecommunications companies, staffing companies, hotels, mortgage lenders, direct sales and network marketing companies, technology interests, biomedical companies, healthcare providers and universities.

Rob's employment practice focuses exclusively on defending employers in all aspects of employment litigation, including in claims under Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act and the Fair Labor Standards Act. He serves as regional counsel for a national retailer and advises Utah-based clients on litigation matters throughout the country. Rob also has experience litigating class and collective action matters and defending clients in investigations conducted by the Equal Employment Opportunity Commission and the U. S. Department of Labor. He also advises clients on on-going personnel matters and conducts live and remote employment law training for his clients' high-level managers and supervisory staff.

Rob is recognized in Chambers USA in Labor & Employment (Band 2), and maintains an AV Preeminent (5.0) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. He has been selected for inclusion in Mountain States Super Lawyers (2011-2020) in the category of Employment Litigation: Defense. Rob is also nationally recognized by The Best Lawyers in America® 2021 in the areas of Commercial Litigation, Employment Law - Management,



and Labor & Employment Litigation and was recognized by Best Lawyers as the 2017 Employment Law - Management "Lawyer of the Year." Rob has also been voted by his peers throughout the state as one of Utah's "Legal Elite," as published in Utah Business Magazine (2004-2020).

Prior to attending law school, Rob was a newspaper and television reporter in Salt Lake City and now advises clients regarding public relations matters. Rob graduated from the S.J. Quinney College of Law at the University of Utah in 1993 as a William H. Leary Scholar. Utah attorneys elected Rob to serve as President of the Utah State Bar, 2016-2017. He was also elected to serve as a Utah State Bar Commissioner for two consecutive terms from 2011-2015.

RECENT CASES

- Hunt v. Acad. Mortg. Corp., 2018 WL 4643154 (D. Utah Sept. 27, 2018). Obtained summary judgment in favor of Ray Quinney and Nebeker's client because Plaintiff failed to disclose Americans with Disabilities Act claim to bankruptcy trustee.
- Jackson v. RGIS Inventory Servs., 2015 WL 5244333 (D. Utah Sept. 8, 2015). Obtained Rule 12 dismissal of plaintiff's race discrimination claims on res judicata grounds.
- Riding v. Arup Labs., Inc., 2013 WL 3049297 (D. Utah June 17, 2013). Obtained summary judgment in favor of Ray Quinney and Nebeker's client on plaintiff's Americans with Disabilities Act and Family and Medical Leave Act claims.
- Hankishiyev v. ARUP Labs., 732 F. App'x 673, 675 (10th Cir.), cert. denied, 139 S. Ct. 166, 202 L. Ed. 2d 103 (2018). Affirmed summary judgment dismissal of plaintiff's claims under the Age Discrimination in Employment Act.
- In 2017, secured \$2.8M, plus attorneys' fees, jury verdict on client's counterclaims in complex, two-week breach of license agreement, interference and trade secret trial.
- Hoffman v. Verizon Wireless, et al., 2012 U.S. Dist. LEXIS 114488 (August 13, 2012). Granted summary judgment in favor of Ray Quinney & Nebeker's client on plaintiff's claims for violation of Title VII, the Americans with Disabilities Act, the Family and Medical Leave Act and claim for slander.
- Franke v. ARUP Laboratories, 2010 WL 3245179 (10th Cir. 2010). Affirmed summary judgment in favor of Ray Quinney & Nebeker's client on plaintiff's claims for violation of Title VII, ADEA and Fourteenth Amendment due process rights.
- Patmos Energy, LLC v. SST Energy Corporation, 2:08cv00166 (Utah Dec. 29, 2009). Obtained summary judgment in favor of Ray Quinney & Nebeker's client on Patmos' \$6.4 million claim. Later, obtained \$1.1 million judgment against Patmos.
- MarMc Transportation, Inc. v. Patmos Energy, LLC, 2009 WL 1066280 (D. Utah 2009). Obtained



summary judgment in favor of Ray Quinney & Nebeker's client for all amounts owing under contract, including attorney's fees.

- *Smith v. Nu Skin Enterprises, Inc.*, 2008 WL 4850526 (D. Utah 2008). Obtained summary judgment for Ray Quinney & Nebeker's client on plaintiff's Americans with Disabilities Act and defamation claims.
- *Fullwiley v. Union Pacific Corp., et al.*, 273 Fed. Appx. 710 (10th Cir. 2008). Affirmed summary judgment dismissing plaintiff's racial harassment claim against Ray Quinney & Nebeker's client.
- *Godwin v. Southwest Research Institute*, 2007 WL 1168851 (10th Cir. 2007). Affirmed summary judgment in favor of Ray Quinney & Nebeker's client on plaintiff's age discrimination and ERISA claims.
- *Keirnan v. Utah Transit Authority*, 339 F.3d 1217 (10th Cir. 2003). Affirmed summary judgment in favor of Ray Quinney & Nebeker's client on claim under Article II of the Americans with Disabilities Act.

EDUCATION

University of Utah College of Law, J.D., 1993

- William H. Leary Scholar

Northern Arizona University, B.A., 1986

ADMITTED TO PRACTICE

- Utah State and Federal Courts
- Utah Court of Appeals
- Utah Supreme Court
- United States District Court for the District of Utah
- United States Court of Appeals, Tenth Circuit

AFFILIATIONS / MEMBERSHIPS

- President, Utah State Bar (2016-2017)
- President-Elect, Utah State Bar (2015-2016)
- Commissioner, Utah State Bar (2011-2015)
- Local Rules Committee, Federal District Court for the District of Utah (Current)
- Legal Aid Society of Salt Lake, President (2008-2009)



RAY QUINNEY
& NEBEKER

80 YEARS
1940-2020

- Salt Lake County Bar, President (2007-2008)
- Utah State Bar Member
- Ray Quinney & Nebeker Recruiting Committee

PUBLICATIONS / PRESENTATIONS

- Presenter, "News from the Hill: Legislative Update," 2013 Salt Lake SHRM Employment Law Seminar
- Presenter, "Help Me Help You: Jerry Maguire Meets the ADA," 2013 Salt Lake SHRM Employment Law Seminar
- "Discharge & Documentation," Lorman Education Services
- "Basics of Employment Law," Council on Education in Management
- "How to Conduct an Internal Investigation," Council on Education in Management
- "The Americans with Disabilities Act: Real Facts, Real Solutions," Ray Quinney & Nebeker
- "Issues in Privacy, Termination and Record Keeping," Council on Education in Management
- "New Court Decisions Answer Your FMLA Questions," Council on Education in Management
- "Basic Wage and Hour Law in Utah," Lorman Education Services
- "Overview of the Family and Medical Leave Act," Council on Education in Management