

James D. Noël

Counsel, Labor & Employment Law Practice Group

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PRACTICES

Aviation and Aerospace
Health Care
Hospitality
Labor & Employment
Labor Litigation
Wage & Hour Regulation
Welfare Benefits & ERISA

BAR ADMISSIONS

- Commonwealth of Puerto Rico
- U.S. District Court District of Puerto Rico
- U.S. Court of Appeals First Circuit
- U.S. Tax Court

EDUCATION

B.A., Franklin & Marshall College

- Major: Government

J.D., *Magna Cum Laude*,
Pontifical Catholic University of
Puerto Rico School of Law

MEMBERSHIPS

- Puerto Rico Bar Association
- Federal Bar Association
- Fellow of the Foundation of the FBA
- American Bar Association
- Puerto Rico Hospital

Mr. Noël has provided advice and has represented employers in all areas of federal and Puerto Rico employment law.

Mr. Noël has vast litigation experience in both state and federal courts. His initial assessment to clients is based on years of experience and takes into consideration the nature of the claims, the opposing counsel, the state-court judge, and the potential exposure of a jury trial, among other criteria.

Mr. Noël has handled matters involving more specialized knowledge than the usual employment case, such as the Railway Labor Act, the National Labor Relations Act, the Federal Arbitration Act, ERISA, and COBRA. He has also served as counsel in cases before the U.S. District Court for the Southern District of Florida and the U.S. District Court for the Central District of California.

In addition to litigation, Mr. Noël has handled numerous due diligence matters, including the purchase or sale of businesses in Puerto Rico, as well as labor and employment audits.

He is the Past-President of the FBA, Puerto Rico Chapter; former Treasurer of the Labor and Employment Law Section of the FBA national; Vice-Chairman of the Counsel of Past Presidents of the FBA Puerto Rico Chapter; a Fellow of the Foundation of the FBA; and a member of the Board of the Labor and Employment Section of the FBA.

Mr. Noël provides advice to Corporación La Fondita de Jesús, a non-profit organization which helps people who have problems with controlled substances kick the habit. He has also provided pro bono services in Federal and State Courts.

Association

- Society for Human Resource Management

REPRESENTATIVE CASES

Some of his representative cases include:

Wage and Hour:

- *Rodriguez v. Iberia Líneas Aéreas de España*, 923 F.Supp. 304 (1994), Judgment for our client after trial on the issue of whether the plaintiff was an exempt employee.

Discrimination:

- *Ibrahim Arce v. Hotel San Juan y Casino*, Case No. 96-0021 (P.R.Sup.Ct. 1998) judgment for defendant after trial on the merits of defamation, unjust discharge and age discrimination claims.
- *Pages v. Iberia Líneas Aéreas de España*, 82 F.3d 533 (1996), summary judgment dismissing age discrimination claims.
- *Leon-Nogueras v. University of Puerto Rico*, 964 F. Supp. 585 (D.P.R. 1997), summary judgment for our client.
- *Cordero v. El Conquistador Resort &Country Club*, United States District Court for the District of Puerto Rico, Case No. 96-1160, claims of race, national origin and gender discrimination dismissed through summary judgment in favor of our client.
- *Cordero-Irizarry et al v Sears Roebuck of Puerto Rico, Inc., Consumer Programs Incorporated, et al*, United States District Court for the District of Puerto Rico, Civil No. 06-1796 (2007), summary judgment dismissing race, national origin and gender discrimination claims.
- *Alberty Vélez v. Corporación de Puerto Rico para la Difusión Pública*, 361 F. 301 (1st Cir. 2004) affirmed judgment dismissing the case, on grounds that the plaintiff was an independent contractor and not an "employee" for purposes of discrimination claims.
- *Rivera Ramos v American Airlines*,United States District Court for the District of Puerto Rico, Civil No. 06-1089 (2007), summary judgment dismissing ADA and all other claims.
- *García-Rivera v. Executive Airlines, Inc.*, Civil No. FDP 05-0251 (P.R.Sup.Ct. 2007), summary judgment dismissing discrimination and other claims, affirmed on appeal(2008).

Unjust Discharge (Act 80):

- *Caballero v Mova Pharmaceutical*, Civil No. CD 95-2745 (P.R.Sup.Ct. 1998) judgment for defendant after a trial on the merits.
- *Rivera v American Airlines, Inc.* Civil No. DPE 2006-0131 (P.R.Sup.Ct. 2003), judgment for defendant after trial on the merits.

Railway Labor Act:

- *International Association of Machinists and Aerospace Workers and District 100 etc. v Compañía Dominicana de Aviación*, United States District Court for the Southern District of Florida, Civil No. 87-0321, after trial on request for injunctive relief, judgment for the defendant.
- *Narvaez v. Executive Airlines*, United States District Court for the District of Puerto Rico, Case No. 07-1012, judgment dismissing Act 80 claim, based on preemption by the RLA.
- *Crespo v. American Airlines*, Case No. EPE 2004-0717 (P.R.Sup.Ct. 2008) (finding that plaintiff's Law 80 claim was preempted by the RLA)

Defamation, Libel and Slander:

- *Delgado v. El San Juan Hotel & Casino*, Civil Case 95- 0306 (P.R.Sup.Ct. 1998), libel and slander, tort and contract claims dismissed through summary judgment; *Ortiz Algarin v Federal Express Corp.*, 56 F. Supp.2d. 172 (USDC PR), partial summary judgment dismissing defamation claim.

ERISA and COBRA

- Mr. Noël has successfully handled sensitive issues in ERISA and COBRA cases before the United States District Court for the District of Puerto Rico, involving issues such as whether a defendant properly gave the initial notice required by COBRA; compliance with qualifying event notices; and compliance with SPD drafting and notice requirements.

Other:

- *Rivera Guzmán v. Ricardo Cruz Distributors, Inc.*, Civil No. DPE 97-0789 (P.R. Sup.Ct. 1998), summary judgment dismissing claim based on alleged violation of workers compensation leave reservation of employment right.
- *Meléndez v Colon Cora*, Civil No. 86-4355 (P.R.Sup.Ct. 1993) judgment for defendant after trial on tort and defamation claims.