

# Snell & Wilmer

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## Benjamin J. Naylor

Partner | Phoenix

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### Main Bio

With nearly 20 years of experience, Ben Naylor is an experienced labor and employment litigator and trusted advisor to his clients.

**What is it like to work with Ben?** Ben strives to provide hyper-responsive, practical, and consumable advice to employers of all sizes on a range of human resources, employment, and traditional labor issues. If claims are unavoidable, Ben is a strong but efficient advocate for his clients, with a proven track record defending employers across the country in agency proceedings and in state and federal litigation of discrimination and retaliation claims, failure to accommodate claims, wage and hour claims, and restrictive covenant and trade secret claims, among others. Ben also represents clients in traditional labor matters (before the NLRB and in arbitration), and provides labor relations and union-avoidance counseling. Ben's representative clients include an array of employers from two-person startups to Fortune 100 companies across multiple industries including technology, retail, banking, hospitality, fintech, shipping and logistics, and aviation.

### Representative Experience

- Defended international semiconductor client in trial of discrimination and retaliation claims
- Defended international package delivery client in trial of failure-to-accommodate, discrimination and retaliation claims
- Defended international funeral home client in trial of contract and tort claims
- Defended international package delivery company in trial of Surface Transportation Assistance Act claims
- Defended multi-state healthcare client in trial of breach of contract and tort claims
- Served as trial counsel (pro bono) in case involving Section 1983 civil rights claims
- Defended international package delivery company against Section 301 LMRA claims in US District Court and before the Ninth Circuit Court of Appeals
- Defended national aviation client in arbitration of disability discrimination claims
- Defended healthcare technology client in arbitration of breach of contract claims
- Defended international package delivery client in labor arbitrations of collective bargaining claims
- Defended start-up media company in temporary restraining order hearing involving breach of restrictive covenant claims

- Investigated and prosecuted tort claims against executive of international auto-parts manufacturer accused of financial misconduct
- Defended international internet domain retailer client in collective action under FLSA and state laws involving more than 4,000 call center employees nationwide
- Defended international funeral home client against FLSA and ERISA claims in collective action involving more than 11,000 employees in 39 states
- Defended local restaurant chain client accused of violating nursing mother's break rules under FLSA
- Defended international semiconductor client accused of violating the FMLA, ADA, and multiple California employment laws
- Defended clients in agency investigations and proceedings before the National Labor Relations Board (NLRB), US Department of Labor (DOL), Equal Employment Opportunity Commission (EEOC), and various state agencies throughout the country

## Education

- University of Iowa College of Law (J.D., 2005, *with distinction*)
  - Staff Member, Journal of Corporation Law
  - Law Foundation Merit Scholarship
- University of Iowa (B.A., Political Science, 2002, *with distinction*)
  - Phi Beta Kappa
  - Laurence Fairall Merit Scholarship
  - Sigma Phi Epsilon National Competition Merit Scholarship
  - Golden Key International Honor Society
  - Phi Eta Sigma Honors Fraternity

## Professional Memberships & Activities

- American Bar Association
- United States District Court, District of Arizona, Phoenix Magistrate Judge Merit Selection Panel (2022)
- State Bar of Arizona
  - Employment Law Jury Instructions Subcommittee (2019)
  - Civil Jury Instructions Committee (2017-2019)
- United States District Court, Northern District of Illinois, Trial Bar Member
- Federal Bar Association, Member

## Representative Presentations & Publications

- "[The FTC Bans Noncompetes? Not So Fast...](#)," Co-Author, Snell & Wilmer Legal Alert (April 29, 2024)
- "Labor Arbitrations & Strike Preparations," Presenter, SHRM of Greater Phoenix Labor Conference (April 18, 2024)
- "Board of Directors, Private Training Session," Client Presentation (December 7, 2023)
- Author of quarterly articles for BLR's HR Daily Advisor

- "Hot Topics in Wage & Hour Law," Presenter, State Bar of Arizona 2023 Annual Employment & Labor Law Fall Seminar (October 6, 2023)
- "Labor Relations in Business," Guest Speaker, Arizona State University MBA Program (September 19, 2023)
- "Restrictive Covenants & Related Causes of Actions," Presenter, In-House Seminar (August 16, 2023)
- "Employment Law Update," Presenter, District of Arizona Annual Conference (May 19, 2023)
- "Workforce Planning in an Age of Inflation and Possible Recession: Your Furlough and Layoff Playbook," Presenter, 2023 Employment Law Tool Kit (January 25, 2023)
- "Lesser-Known Nuggets of Wisdom," Presenter, State Bar of Arizona
- "Hot Topics Related to Reasonable Accommodations in the Workplace," Presenter, State Bar of Arizona
- "Wage & Hour Spotlight on Misclassification," Presenter, State Bar of Arizona
- "Voi Dire and Jury Selection," Presenter, National Business Institute
- "Litigating FLSA Collective Actions and State Wage and Hour Rule 23 Class Actions," Presenter, State Bar of Arizona
- "Putting in Place Document Retention Programs," Presenter, National Business Institute
- "Identifying And Understanding Your Obligations Under The WARN Act," Presenter, Society for Human Resource Management (SHRM)

## **Professional Recognition & Awards**

- AV Preeminent® Peer Review Rating from Martindale-Hubbell®
- Southwest Super Lawyers®, Employment Litigation (2017-2024), Civil Litigation (2024)
- Southwest Super Lawyers®, Rising Stars Edition, Employment Litigation (2012-2015)
- Illinois Super Lawyers®, Rising Stars Edition, Employment & Labor (2012)

## **Bar Admissions**

- Arizona
- Connecticut
- Illinois
- Iowa (inactive)

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of Connecticut
- Supreme Court of Illinois
- Supreme Court of Iowa
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Seventh Circuit
- United States District Court, Central District of Illinois
- United States District Court, District of Arizona
- United States District Court, District of Connecticut

- United States District Court, Northern District of Illinois
- United States District Court, Northern District of Iowa
- United States District Court, Southern District of Iowa