



Sloane Ackerman

Counsel

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Sloane Ackerman represents employers in the full spectrum of labor and employment matters. She defends clients in high-stakes employment litigation and arbitration. Sloane's practice also focuses on traditional labor matters under the Railway Labor Act and the National Labor Relations Act, including collective bargaining and labor arbitrations. Sloane also regularly advises employers in a wide range of operational and strategic labor and employment matters, including issues arising out of mergers and acquisitions.

In addition to Sloane's extensive experience in the airline industry, she represents employers from nearly every sector of the economy, including financial services, insurance, professional services, media, technology, entertainment, apparel, gaming, healthcare and pharmaceuticals, and food and beverage.

Sloane is frequently quoted in various publications, including *Bloomberg*, *The Boston Globe*, and *Corporate Counsel*.

Experience

Litigation

Federal Court Litigation

- Prevailed on a motion to dismiss based on Railway Labor Act preemption on behalf of an airline in a proposed class action brought by a retired flight attendant alleging the airline impermissibly changed her travel privileges. *Wynn v. American Airlines, Inc.*, 2020 WL 1934994 (E.D. Missouri, April 22, 2020).

Admissions

Bar Admissions

New York

Court Admissions

US Court of Appeals for the First, Second, Fifth, and District of Columbia Circuits

US District Court for the Eastern and Southern Districts of New York

Education

New York University, J.D., 2008:
Research and Writing Editor, *New York University School of Law Moot Court Casebook*

Cornell University, B.S., 2005:
Industrial and Labor Relations,
Dean's List; Meinig Family National
Scholar; National Society of
Collegiate Scholars; Golden Key
International Honour Society

- Prevailed on a motion to dismiss a putative class action brought against American Airlines by a group of pilots asserting a collusion claim related to the airline's pilot seniority list. *Krakowski v. Am. Airlines, Inc. (In re AMR Corp.)*, 567 B.R. 247 (Bankr. S.D.N.Y. 2017), *aff'd*, 610 B.R. 714 (S.D.N.Y. 2019), *aff'd* 834 Fed. App'x 660 (2d Cir. Feb. 1, 2021), *cert. denied*, _ S.Ct. _ (Oct. 12, 2021) (No. 21-278).
- Successfully obtained a temporary restraining order, a modified temporary restraining order, and a permanent injunction on behalf of American Airlines against its mechanics union to stop an illegal work slowdown following a trial on the merits. See *Am. Airlines, Inc. v. Transp. Workers Union of Am., AFL-CIO*, No. 4:19-CV-414-A, 2019 WL 3774501 (N.D. Tex. Aug. 12, 2019).
- Prevailed on a motion to dismiss in action brought against airline by three pilots seeking to vacate an interest arbitration award that established certain contractual rights. See *Krakowski v. Am. Airlines, Inc. (In re AMR Corp.)*, 598 B.R. 365 (Bankr. S.D.N.Y. 2019).
- Successfully moved to dismiss litigation for wrongful termination brought against an airline by a former union chairman based on Railway Labor Act preemption and failure to state a claim. See *Bryan v. Allied Pilots Association, et al.*, 2018 U.S. Dist. LEXIS 214093 (D. Mass. Dec. 19, 2018), *aff'd*, 988 F.3d 68 (1st Cir. 2021), *cert. denied*, 141 S.Ct. 2803 (U.S. 2021).
- Prevailed on a motion for summary judgment in a putative class action brought against American Airlines by a group of pilots asserting a collusion claim related to the airline's pilot seniority list. See *Krakowski v. Am. Airlines, Inc. (In re AMR Corp.)*, 2018 Bankr. LEXIS 1726 (Bankr. S.D.N.Y. June 12, 2018), *aff'd*, 610 B.R. 434 (S.D.N.Y. 2019), *aff'd*, 834 Fed. App'x 660 (2d Cir. Feb. 1, 2021), *cert. denied*, _ S.Ct. _ (Oct. 12, 2021) (No. 21-278).
- Successfully compelled arbitration of two management grievances filed by Atlas Air and Southern Air regarding the negotiation of a joint pilot collective bargaining agreement following the companies' merger. *Atlas Air, Inc. v. Int'l Bhd. of Teamsters*, 293 F. Supp. 3d 457 (S.D.N.Y. 2018).
- Obtained a preliminary injunction on behalf of Atlas Air and Polar Air against their pilots union to stop an illegal work slowdown. *Atlas Air, Inc. v. Int'l Bhd. of Teamsters*, 280 F. Supp. 3d 59 (D.D.C. 2017).
- Prevailed in moving to dismiss a class action medical monitoring claim and other claims brought by nine current employees against American Airlines, its CEO, COO, and other executives and employees on workers' compensation exclusivity grounds. *Smith v. Am. Airlines, Inc.*, No. 16-156, 2016 U.S. Dist. LEXIS 107402 (E.D. Pa. Aug. 12, 2016).
- Won a motion to dismiss in a tort action brought by a former employee, in part based on a defense under the Railway Labor Act. *Romigh v. American Airlines Group, Inc.*, Case No. 2:15-cv-00782 (W.D. Pa. Nov. 12, 2015).
- Represented AIG in securing favorable settlement on the eve of a five-week jury trial of a breach of employment contract lawsuit brought by the former CEO of AIG's real estate business.
- Achieved complete dismissal of a purported Family and Medical Leave Act class action against a Fortune 500 financial services company prior to any motion practice.
- Obtained a preliminary injunction on behalf of US Airways against its pilots union to stop an illegal work slowdown, which was later converted into a permanent injunction. *US Airways, Inc. v. US Airline Pilots Ass'n*, 813 F. Supp. 2d 710 (W.D.N.C. 2011).
- Defended US Airways in a purported class action alleging race discrimination. *NAACP, Philadelphia Branch v. US Airways Group, Inc.*, Case No. 2:10-cv-00043-PBT (E.D. Pa.)

- Successfully dismissed a civil RICO matter brought by a local union against US Airways executives, primarily based on a Railway Labor Act preemption defense. *Int'l Ass'n of Machinists & Aerospace Workers District Local Lodge 1776 v. Jackson*, No. 09-150, 2010 U.S. Dist. LEXIS 15885 (E.D. Pa. Feb. 19, 2010).

Arbitrations

- Achieved a complete victory for an airline in an arbitration brought by its flight attendant union, asserting that the airline's employee travel policy violated the parties' labor contract.
- Achieved a complete victory for an airline regarding its post-merger hiring and training of its pilots.
- Achieved a complete victory for an airline in an arbitration brought by certain employee groups, asserting that the airline's vacation policy violated the parties' labor contract
- Achieved a complete victory for an airline in an arbitration brought by its passenger service union, asserting that the airline's employee travel policy violated the parties' labor contract.
- Achieved a complete victory for an airline in an arbitration brought by its flight attendant union, asserting that the airline's retiree travel policy violated the parties' labor contract.
- Successfully defended an airline in a breach of contract arbitration brought by a regional partner, saving the airline approximately \$70 million.
- Represented a private equity firm in an arbitration brought by a former executive asserting violation of New York Labor Law, breach of fiduciary duty, unjust enrichment, and breach of contract.

Collective Bargaining and Labor Negotiations

- Assisted a leading pharmaceutical company in collective bargaining negotiations and achieving a new labor contract for its largest facility.
- Assisted Interstate Bakeries in its efforts to restructure hundreds of labor contracts.

Transactions

- Represented Apollo Global Management, LLC and related funds with respect to labor and employment matters in two acquisitions of sports apparel manufacturers in North America and Central America, which included working with Apollo and Nike on human resources and workers' rights issues relating to sustainable and responsible investing.
- Represented a diversified international market infrastructure and capital markets business with respect to labor and employment matters in its acquisition of a provider of high-quality exchange traded fund data, analytics, and ratings.
- Represented Caesars Entertainment Corporation (formerly Harrah's Entertainment) with respect to labor and employment matters in its acquisition of the Planet Hollywood Resort & Casino in Las Vegas.
- Represented a retail automotive software company with respect to labor and employment matters in its acquisition of a leading provider of inventory management and merchandising solutions for automobile dealerships.
- Represented a leading chemical company with respect to labor and employment matters in sales of numerous businesses.
- Represented a leading provider of growth equity and venture capital for healthcare/biopharma companies with respect to labor and employment matters in acquisitions of multiple companies.

- Represented a consortium of private equity investors with respect to labor and employment matters in the sale of a software company.
- Represented a food manufacturer with respect to labor and employment matters in its sale to a leading dairy cooperative.
- Represented an investment vehicle for investment funds with respect to labor and employment matters in the sale of its interest in an electric transmission and distribution company.

Professional Activities

Member

- New York State Bar Association

Former Member

- Legal Department, National Basketball Association

Former Game Monitor

- Officiating Department, National Football League

Author

- “OSHA Issues New COVID-19 Workplace Safety Guidance,” O’Melveny & Myers Client Alert (February 5, 2021, co-authored with Apalla Chopra, Eric Rothenberg, and Chris Bowman)
- “Guidance for Employers Regarding Coronavirus,” O’Melveny & Myers Client Alert (March 5, 2020, co-authored with Eric Amdursky, Apalla Chopra, Jeff Kohn, Adam KohSweeney, Mark Robertson, and Eric Rothenberg)
- “The Spread of Zika Virus: What U.S. Employers Should Know,” *New York Law Journal* (August 2016, co-authored with Erin P. Andrews)
- “Violence in the Workplace: What Is An Employer’s Liability?,” *New York Law Journal* (October 2015, co-authored with Erin P. Andrews)
- “3 Questions Employers Have About Ebola,” *Corporate Counsel* (October 2014)
- “Five Tips For Employers To Fight Ebola,” *Employment Law360* and *Health Law360* (October 2014)
- “Modernization For Aviation And Railway Industries,” *Employment Law360* (February 2012, co-authored with Robert Siegel and Natasha L. Waglow)
- “President Obama Signs FAA Modernization and Reform Act of 2012 Containing Amendments to the Railway Labor Act,” O’Melveny & Myers Client Alert (February 15, 2012, co-authored with Robert Siegel, Chris Hollinger, Mark Robertson, and Natasha L. Waglow)
- “New York State Department of Labor Issues Guidance on New York State Wage Theft Prevention Act,” O’Melveny & Myers Client Alert (April 5, 2011, co-authored with Jeffrey Kohn and Mark W. Robertson)
- “Trendsetting: NYC’s Human Rights Law,” *New York Law360* and *Employment Law360* (March 2011, co-authored with Mark W. Robertson)
- “Arizona Immigration Law: How To Avoid Liability,” *Employment Law360* (June 2010, co-authored with Natasha L. Waglow)

- “Enforceability of Non-Competition and Non-Solicitation Covenants in New York and California,” *Executive View Labour & Employment Digital Guide* and www.executiveview.com (December 2009, co-authored with Mark W. Robertson)
- “New York Courts May Have Jurisdiction Over Foreign Defendants That Trade On The New York Stock Exchange In Employment And Other Disputes,” O'Melveny & Myers Client Alert (November 5, 2009, co-authored with Jeffrey Kohn and Mark W. Robertson)
- “Recent SEC Regulatory Changes: Content of Forms U4 and U5,” O'Melveny & Myers Client Alert (June 2, 2009, co-authored with Framroze Virjee, Jeffrey Kohn, and Adam P. KohSweeney)
- Peter Gibbons v. Bill Lumbergh Assurance Co., 31 N.Y.U. Moot Ct. Casebook 10-1 (2007)

Honors & Awards

- Lawyers Alliance Cornerstone Award winner for “extraordinary contributions through pro bono legal services” (2020)
- Recipient of the Warren Christopher Values Award for exemplifying O'Melveny's values of uncompromising excellence, distinctive leadership, and superior citizenship
- Empire State Counsel Honoree (New York State Bar Association)