

**RICHMOND, VIRGINIA**

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**PRACTICE AREAS:**

[Financial Services Litigation](#)

[Bankruptcy & Restructuring](#)

[Labor & Employment](#)

[Commercial Litigation](#)

[Litigation](#)

[Appellate](#)

**STATE ADMISSIONS:**

Virginia

West Virginia

**COURT ADMISSIONS:**

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Western District of Virginia

U.S. District Court for the Southern District of West Virginia

U.S. Bankruptcy Court for the Eastern District of Virginia

U.S. Bankruptcy Court for the Western District of Virginia

U.S. Bankruptcy Court for the Southern District of West Virginia

**EDUCATION:**

J.D., Marshall-Wythe School of Law, College of William & Mary, 1988

B.A., College of William & Mary, 1985

# Annemarie DiNardo Cleary

**MEMBER**

Annemarie DiNardo Cleary is a successful commercial litigator with more than 25 years of experience. She focuses her practice on financial services litigation, including creditor's rights and bankruptcy, and labor and employment matters. She represents clients in state and federal courts and before administrative agencies on a wide range of commercial issues, including breach of contract claims, defense of lender liability claims, business torts, commercial lease disputes, defense of employment-related claims, and complex, multi-party litigation.

As part of her financial services practice, Annemarie works with lenders to maximize their recovery on failed commercial real estate development loans and other problem lending relationships. She also has represented Chapter 11 debtors, lenders, and bankruptcy consultants and has extensive experience defending lender liability claims and wrongful foreclosure suits.

In her employment practice, Annemarie advises employers regarding compliance with state and federal employment statutes and defends them against claims in state and federal courts relating to Title VII, age discrimination, family and medical leave, fair labor standards, wrongful discharge, covenants not to compete and other employment-related claims. She also counsels and represents employers in defense of Equal Employment Opportunity Commission (EEOC) charges and Virginia Employment Commission (VEC) claims.

**REPRESENTATIVE MATTERS**

- Obtained multimillion-dollar verdict for lender in deficiency action on commercial real estate development loans and successfully defended antitrust counterclaims asserted by borrower and guarantor.
- Represented bank in the complex restructuring of \$8 million in loans secured by hotel and other real estate.
- Obtained summary judgment for client defending against independent contractor's claims of a partnership and entitlement to share of profits.
- Advised railroad product company on compliance with Worker Adjustment Retraining and Notification Act in connection with reduction in force.
- Revised manufacturer's employee handbook to comply with Virginia law following client's purchase of Virginia facility.

## PROFESSIONAL AFFILIATIONS

- American Bar Association, Litigation Section, member
- Bar Association of the City of Richmond, member Board of Directors, member Judiciary Committee; former member Finance Committee, former Chair and member, Continuing Legal Education Committee
- Association for Corporate Growth Richmond, member
- Virginia State Bar, Member, Third District Disciplinary Committee, Section II, 2018-2023
- Society of Human Resource Management, member

## COMMUNITY INVOLVEMENT

- Hanover Habitat for Humanity, pro bono work, (2017-present)
- Legal Information Network for Cancer (LINC), pro bono work (2014-2020)
- Former President and Member, Admiral Akers School Site Council, NAS Lemoore, California (2006-2007)
- Former Member, Central Union School District GATE Advisory Committee, Lemoore, California (2005-2007)

## AWARDS AND RECOGNITION

- Selected for inclusion as The Best Lawyers in America 2024 for Commercial Litigation and Financial Services Regulation Law
- Attained an AV® Preeminent™ rating from Martindale-Hubbell

## NEWS AND INSIGHTS

### PUBLICATIONS

- ["Beware the Pitfalls of Automated Technology in Employment,"](#) Eckert Seamans' Labor & Employment Update, October 2022.
- ["Significant Changes Ahead for Civil Appeals in Virginia,"](#) Eckert Seamans's Legal Update, October 1, 2021.
- ["New Laws Affecting the Litigation Landscape in Virginia,"](#) Eckert Seamans Legal Update, June 2021.
- ["The Intersection of PPP Loans and Bankruptcy: The Road to Economic Viability Just Got Bumpier,"](#) Eckert Seamans' Bankruptcy Alert May 12, 2020.
- ["New Limitations on Nondisclosure Agreements in Virginia,"](#) Eckert Seamans' Labor & Employment Update July 2019.
- ["Employment Law Alert"](#) Eckert Seamans' Labor & Employment Update, February 2016.

### MEDIA COVERAGE

- "2018 Employment Laws You Should Know About," The RPO Voice, February 2018.
- "Don't Get Sued for Screening Candidates Online! Follow These Policy Tips," The RPO Voice, June 2017.

## SPEAKING ENGAGEMENTS

- “Pay Equity: What Is It and How to Ask for It,” Panelist, ABA Women in Litigation Joint CLE Conference, San Diego, CA, November 2, 2023.
- “People Analytics: New Regulations and Promising Practices,” co-presenter to members of the Recruitment Process Outsourcing Association (RPOA), Richmond, VA, June 2022.
- “Overcoming Implicit Bias,” webinar event planner for the Richmond Bar Association, February 25, 2021.
- “Other Employment Laws You Should Know,” National Business Institute, October 2019.
- “Recent Developments in Employment Law,” presented to Richmond area HR Managers at the National Business Institute seminar, October 2017.
- “Wage and Benefits Issues,” National Business Institute, October 2015.
- “Five Hot Issues Facing Today’s Employers,” Richmond, Virginia, February 2014.
- “Classifying and Compensating Employees,” NBI, Richmond, Virginia, October 2013.
- “Demystifying the Illusion of Privacy in the Age of Social Media,” Richmond Bar Association, May 2013.
- “Website Accessibility under the ADAAA,” Virginia Business Leadership Network, February 2012.
- “Classifying and Compensating Employees (FLSA Pitfalls),” webinar, August 2011.
- “Employer Legal Obligations or 50 Ways to Get Sued by Your Employees,” Richmond, Virginia, April 2011.
- “Don’t Get Caught in the Rising Tide of Wage and Hour Claims,” Richmond, Virginia, March 2011.