

## Daniel D. Pipitone

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### Education

J.D. from Pennsylvania State University, Dickinson School of Law

- *Law Review* (Articles Editor; Author)

B.A. from Edinboro State University

### Bar Admissions

Supreme Court of Texas

Texas

Pennsylvania

United States Court of Appeals for the Third and Fifth Texas

United States District Court for the Eastern and Southern Districts of Texas

United States District Court for the Eastern District of Pennsylvania

United States Supreme Court of the Commonwealth Pennsylvania

United States Supreme Court

### Related Practices

Labor & Employment  
Employment Litigation



## Overview

Dan brings to the Firm more than 30 years of maritime law experience during which time he has represented numerous vessel owners engaged in both 'blue water' and 'brown water' transportation, crew and supply boat services and dredging activities. Dan has additionally represented various offshore drilling contractors. He is very familiar with the maritime industry and has provided representation with respect to a wide variety of issues ranging from personal injury defense to maritime contract disputes, collisions, allisions and environmental episodes.

During the course of the past five years, Dan has broadened his practice to include the representation of both individuals and companies charged with violations of the Fair Labor Standards Act (FLSA). As a result of a rather significant victory in *Gate Guard Services, L.P. v. U.S. Department of Labor*, Dan has been asked to provide representation when either a class of individuals or the DOL initiates litigation alleging that independent contractors should have been properly classified as employees. Allegations that employees should have been considered non-exempt, as opposed to exempt, have also arisen in other types of litigation Dan has been asked to handle.

Dan's knowledge of the energy industry has led him to serve in an outside General Counsel capacity for many companies in the industry. In this regard, Dan directly reviews Master Service Agreements and other types of similar agreements which are commonplace in both the Energy and Maritime Industries. He is also indirectly involved with various other matters including those of a corporate, real estate, intellectual property and environmental nature concerning which he utilizes the many other attorneys in the Firm who are more directly

FLSA  
Litigation  
Admiralty & Maritime Litigation  
Appellate  
Arbitration  
Energy Litigation  
Personal Injury & Wrongful Death  
Products Liability

involved in these specialties.

## Related Industries

Admiralty & Maritime  
Energy  
Manufacturing  
Real Estate

## Achievements

*Woodward/White, Inc.* – Best Lawyers in America,  
Litigation – Labor and Employment (2024)

*Who's Who Legal* – Who's Who of Maritime Attorneys  
(2008)

## Memberships

American Bar Association  
Corpus Christi Bar Association  
Houston Bar Association  
National Association of Defense Counsel  
Proctor in Admiralty, Maritime Law Association of the  
United States  
State Bar of Texas  
Texas Association of Defense Counsel  
Texas Bar Association

## Experience

### FLSA

Successfully represented an energy services company in an FLSA against claims a former employee who sued the company for failure to pay overtime wages. Following a four day trial before the U.S. District Court for the Southern District of Texas, the jury ruled unanimously in favor of the energy service company.

## FLSA + EAJA

Successfully represented an energy services company in an FLSA suit against the Department of Labor (DOL), in which the DOL investigated the energy services company for wrongly misclassifying its employees as independent contractors, ordering the company to pay more than \$6.2 MM in fines and back pay. The judge ruled in favor of the energy services company, dismissing the agency's enforcement action and validating the company's business model and use of independent contractors. Following the ruling, the energy services company sued the government under the Equal Access to Justice Act (EAJA), to recover attorney's fees. The Fifth Circuit court ultimately issued an opinion stating the DOJ acted in bad faith, thus ordering the DOL to pay more than \$1 MM in attorneys' fees.

## Personal Injury & Wrongful Death

Prevailed in a case presented to the U.S. Supreme Court involving an international choice of law issue, as well as issues pertaining to venue and forum non conveniens. The ultimate resolution resulted in the dismissal of numerous personal injury and death claims collectively valued at approximately \$25 MM, a resolution which ultimately permitted our client to remain viable.

## Maritime Doctrine

Successfully presented a case to the Texas Supreme Court resulting in the adoption of the Search and Rescue Doctrine, and the application of this maritime doctrine in a manner requiring the reversal and rendering of a judgment. The client Munsch Hardt represented earlier had a substantial judgment entered against it when the client was represented by predecessor counsel.

## Maritime Doctrine

Prevailed in a case presented to the U.S. Court of Appeals for the Fifth Circuit resulting in the adoption of the Primary Duty Doctrine Defense. The application of this maritime doctrine allowed Munsch Hardt to maintain an extraordinarily minimal judgment of less than \$10,000, which had earlier been awarded against our client by the trial court with respect to a wrongful death claim.

## Energy Litigation

Successfully litigated a property damage and lost profit claim on behalf of a client whose offshore, semi-submersible drilling rig sustained structural damage, which litigation efforts resulted in a settlement of \$6.7 MM.

## Breach of Fiduciary Duty + Fraud

Successfully litigated on behalf of a Houston-based Thoroughbred Horse owner a breach of fiduciary duty and fraud matter against bloodstock agents, a noted trainer, and several consignors which resulted in a seven-figure settlement. Notably, publicity from the litigation and efforts exerted by Munsch Hardt and our client after its settlement assisted the modification of legislation governing bloodstock agents in both Kentucky and Florida.

## Maritime Statutory Amendments

Successfully marshaled through the Texas Legislature a Bill modifying the venue statutes so as to substantially limit the reliance upon a plaintiff's residence as a basis for venue. The statutory amendments significantly reduced the volume of litigation experienced by our clients engaged in the dredging industry particularly and the Maritime Industry generally.

## Newsroom

**Press Release:** 'Best Lawyers in America®' Names 54 Munsch Hardt Attorneys to its 2024 List and Two as 'Lawyers of the Year'

**In The News:** Midland Jury Rejects FLSA Overtime Claim Against Oilfield Services Co.

**In The News:** Overtime Pay Collective Action Fails to Overcome Federal Exemption

**Press Release:** Munsch Hardt Wins Fair Labor Standards Act Case for Oil and Gas Client Flowco in Jury Trial

**Speech:** Shareholder Dan Pipitone to Discuss Labor Matters at TWC Conference

**Article:** Employment Agreements Mitigate Construction Litigation Concerns

**Press Release:** Munsch Hardt Wins Positive FLSA Verdict for J4 Oilfield Services

**Article:** Regulations cause offshore companies to examine independent contractor status

**In The News:** Employer wins fight with feds on worker classification

**In The News:** Government to Pay \$1.5 MM in Attorney Fees in FLSA Suit

**In The News:** DOL Settles Oil Field Service Co.'s Bad Faith Case For \$1.5 MM

**In The News:** Appeals court finds 'government overreach' in DOL's handling of Eagle Ford case

**Press Release:** Munsch Hardt Attorney Wins Appeal Against U.S. Department of Labor

**In The News:** Appeals court says Labor Department acted in bad faith in contractor case

**Press Release:** Munsch Hardt Attorney Wins Ruling Against U.S. Department of Labor

**In The News:** Munsch Hardt attorney already making a difference with labor-law ruling

**In The News:** Latest labor law case has big impact on energy sector

**In The News:** Judge chews out Labor Department over its handling of wage case

**In The News:** DOL Dinged \$600K For Oil Field Service Co.'s Atty Fees

**In The News:** Munsch Hardt Poaches Two Attorneys From Houston's Old Guard

**Press Release:** Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office

**Article:** Energy Company wins Against DOL

**Article:** The Right Time to know Rules: What the Energy Sector Needs To Know

**Article:** Premiums and Risk Management in the post-Macondo Era

**Article:** Anti-Corruption Measures

**Speech:** Foreign Corrupt Practices Act

**Speech:** A Brief Overview of Indemnity Provisions and Allocation of Risk in Energy Agreements