



## Daniel I. Aquino, Partner

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### Areas of Practice

Employment & Labor Law

Commercial & Complex Litigation

Appellate

### Bar Admissions

Nevada, California

### Education

- J.D., *cum laude*, University of California College of the Law, San Francisco (formerly University of California, Hastings College of the Law), 2012
- B.A., University of California, Los Angeles, Philosophy, 2008

Daniel Aquino is Co-Chair of McDonald Carano's Employment & Labor Law Practice and is a member of the Commercial & Complex Litigation Practice.

Mr. Aquino handles a wide variety of litigated employment law matters, including wage and hour disputes, employment discrimination, wrongful termination, and breach of contract claims proceeding in state and federal courts. He also routinely represents employers in proceedings before local, state, and federal administrative agencies and boards. Mr. Aquino handles cases through all phases of litigation, and has first-chaired bench and administrative trials, as well as private arbitrations.

Mr. Aquino provides preventive advice and daily operations-focused guidance to employers on a variety of topics, including personnel actions, non-compete agreements, compliance with wage and hour law, and employment contracts. He has worked extensively with employers of all sizes in a wide range of sectors, including hospitality, entertainment, higher education, healthcare, financial services, retail, gaming, construction, and manufacturing.

Mr. Aquino is the Nevada member of the Wage and Hour Defense Institute, an invitation-only network of experienced employer-side wage and hour defense practitioners across the U.S. and Canada. WHDI is a prominent resource on state and federal wage and hour law, including class and collective actions, for employers of all sizes and all industries.

Mr. Aquino is recognized in *Chambers USA: America's Leading Lawyers for Business* in the field of Employment & Labor Law. *Chambers* highlights Mr. Aquino's "growing reputation for his work in the field of employment law," and clients describe Mr. Aquino to *Chambers* as an "excellent attorney." "Dan is a very effective lawyer, excellent communicator, responsive and he makes it his business to remain abreast of employment law." "Whether defending litigation or providing advice and counsel, he is so easy to work with, always responsive, incredibly knowledgeable, and professional. He is smart, even tempered, and personable." "His ability to navigate complex

legal challenges is matched by his strategic foresight, enabling him to align legal solutions seamlessly with business objectives."

Mr. Aquino's litigation experience includes business contract disputes, negligence, premises liability, and professional liability matters. He has successfully represented clients in appeals before the Nevada Supreme Court and Ninth Circuit Court of Appeals. Mr. Aquino's Nevada Supreme Court experience includes a published opinion in *McClendon v. Collins*, 132 Nev. Adv. Op. 28 (2016). Prior to joining McDonald Carano, Mr. Aquino was a partner at a regional general litigation law firm and a senior associate at an Am Law 100 employment and labor law firm.

## Representative Engagements

- First-chaired bench trial in breach of contract action involving wrongful apportionment of liquidated damages to subcontractor client on eight-figure public works construction project; obtained Court's rejection of general contractor's assessment of liquidated damages, resulting in award of client's full requested damages, plus substantial prejudgment interest, attorney's fees, and costs
- Represented Fortune 10 company in defense of employee whistleblower retaliation claim, first-chairing two-day arbitration hearing resulting in defense award
- First-chaired bench trial on behalf of higher education institution seeking injunctive relief against former employee, resulting in issuance of protective order against former employee for maximum period allowed under Nevada law
- Retained by international energy company to coordinate and conduct large-scale confidential internal investigation responding to claims of misconduct by management
- Performed confidential investigation for public entity regarding executive official's claims of discrimination, harassment, and retaliation
- Defended international construction company in hybrid Rule 23 and FLSA collective action involving alleged employee misclassification; managed internal investigation, opposed conditional certification (resulting in plaintiffs voluntarily narrowing a large subset of class), coordinated class discovery production, and obtained plaintiffs' agreement to mediate individual claims
- Obtained dismissal of class claims filed against nationally-operating airport services provider in a Rule 23 wage and hour class action
- Represented hotel and casino client in FLSA collective action for alleged violation of federal tip pooling law, successfully negotiating settlement at mediation
- Represented Nevada operations of global restaurant group in Rule 23 class action for alleged failure to comply with Nevada's daily overtime requirements, successfully negotiating class settlement at mediation

- Litigated action involving gender discrimination, Equal Pay Act, and breach of contract claims brought by former financial executive of multi-national manufacturing company; negotiated settlement for fraction of multi-million dollar demand
- Obtained dismissal of complaint for trademark infringement and cybersquatting claims against California business client based on lack of personal jurisdiction in Nevada federal court
- Successfully briefed Nevada Supreme Court in appeal involving work product confidentiality where expert was de-designated, resulting in published Nevada Supreme Court opinion (*McClendon v. Collins*, 132 Nev. Adv. Op. 28 (2016))
- Successfully briefed U.S. Court of Appeals for the D.C. Circuit in appeal involving termination of engineer for refusing to comply with procedure for mandatory respirator fitting; obtained reversal of the NLRB's decision that hotel and casino client's personnel actions violated the NLRA

## Awards and Recognition

- *Lawdragon 500 X: The Next Generation* – “The Future Leaders of the Law” (2025)
- *Chambers USA: America's Leading Lawyers for Business* – “Up and Coming” in Employment and Labor Law (2024-2025)
- *The Best Lawyers in America* – Employment & Labor Litigation (2023-2026), Employment Law – Management (2026), Commercial Litigation (2023-2026)
- *Mountain States Super Lawyers* – “Rising Stars” (2022-2025)
- *Vegas Inc* – “Top Lawyers” in Employment and Labor Law (2023, 2024)

## Publications

- Author, “Status of DOL overtime rule,” *McDonald Carano Legal Alert*, Nov. 18, 2024
- Author, “Costs are Key: Religious Accommodations in the Workplace after *Groff v. DeJoy*,” *Communiqué* magazine, Clark County Bar Association, November 2024
- Author, “FTC Bars Employers from Imposing Noncompetition Agreements,” *McDonald Carano Legal Alert*, October 17, 2024
- Quoted, “Practice Area Snapshot: Convergence of COVID Fallout and Other Factors Fuel Labor & Employment Law,” *Of Counsel: The Legal Practice and Management Report*, July 2023
- Author, “Nevada Court Rules Employees Turning Computers On and Off is *De Minimis* and Not Compensable,” *McDonald Carano Legal Update*, June 12, 2023
- Author, “Nevada Supreme Court Rules Employees May Sue Employers for Failure to Accommodate Medical Marijuana Use,” *McDonald Carano Legal Update*, January 25, 2023
- Quoted, “When Is an Immediate Firing Justified?” *SHRM.org*, October 27, 2022
- Author, “Employee Misconduct, Poor Performance, Discipline, and Termination in the Workplace,” *Las Vegas Sun*, September 12, 2022

- Author, “NV Supreme Court Rules Employee’s Off-Duty Recreational Marijuana Use Not Protected Under “Lawful Use” Law,” *McDonald Carano Legal Update*, Aug. 24, 2022
- Author, “Employee Misconduct, Discipline, and Termination: Five FAQs for Employers,” *McDonald Carano Legal Update*, August 1, 2022
- Author, “Nevada’s New Employment Laws: New Do’s and Don’ts for Retail Employers,” *Nevada News* published by the Retail Association of Nevada, July 2021.

### Speaking Engagements

- “Employment Law Priorities for In-House Counsel,” Association of Corporate Counsel, Nevada Chapter, February 18, 2026
- “Employment Law Priorities for In-House Counsel,” Association of Corporate Counsel, Nevada Chapter, February 20, 2025
- “Practical Considerations for In-House Counsel: Conflicts of Interest and Dual Roles,” Nevada System of Higher Education, April 2, 2024
- “Employment Law Priorities for In-House Counsel,” Association of Corporate Counsel, Nevada Chapter, February 15, 2024
- “Best Practices for the Higher Education Workplace,” College of Southern Nevada, Las Vegas, NV, August 2022
- “Wage and Hour Issues,” National Business Institute, Las Vegas, NV, September 2019
- “Nevada Employment Law,” National Business Institute, Las Vegas, NV, September 2019
- “Unconscious Bias in the Workplace,” Nevada Labor & Employment Law Symposium, Las Vegas, NV, February 2019
- “Navigating the Modern ‘Gig Economy’: Worker Classification Challenges in a Changing Landscape,” Association of Corporate Counsel, Nevada Chapter, January 2019

### Professional Affiliations

- Member, Society for Human Resource Management
- Member, Wage and Hour Defense Institute
- Member, Advisory Board, Filipino American Lawyers Association of Nevada
- Member, Asian Bar Association of Nevada
- Member, Clark County Bar Association

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**McDonald Carano LLP** ([www.mcdonaldcarano.com](http://www.mcdonaldcarano.com))

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