



Of Counsel
Daniel I. Aquino

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Phone: 702.257.4565

Areas of Practice

Commercial & Complex Litigation

Employment & Labor Law

Bar Admissions

California

Nevada

Education

J.D., University of California, Hastings College of the Law, 2012 (Senior Articles Editor for the *Hastings Communications and Entertainment Law Journal*)

B.A., University of California, Los Angeles, Philosophy, 2008

Offices

LAS VEGAS
 2300 West Sahara Avenue, Suite 1200
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RENO
 100 West Liberty Street, Tenth Floor
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Professional Background

Daniel Aquino is an of counsel attorney in McDonald Carano’s Las Vegas office. He practices commercial and complex litigation with a focus on employment and labor law.

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 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, and manufacturing.

Mr. Aquino’s litigation experience includes construction law, 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..



Awards and Recognition

- Witkin Award for Academic Excellence, Torts, University of California, Hastings College of the Law
- CALI Excellence for the Future Award, Trademark Prosecution, University of California, Hastings College of the Law



Representative Engagements Engagement

- 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
- Defended international construction company in hybrid Rule 23 and FLSA collective action involving alleged employee misclassification, overseeing internal investigation, opposing conditional certification (resulting in plaintiffs voluntarily narrowing a large subset of class),

(continued)

- coordinating class discovery production, and obtaining plaintiffs' agreement to mediate individual claims
- 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, negotiating settlement for fraction of multi-million dollar demand
- Defended national electronics store in lawsuit alleging failure to honor warranty and replace allegedly defective equipment, obtaining plaintiff's agreement to voluntarily dismiss case with prejudice following deposition
- 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 is 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, obtaining reversal of the NLRB's decision that hotel and casino client's personnel actions violated the NLRA



Speaking Engagements

- "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 (Las Vegas, NV, January 2019)



Community Engagement

- Legal Aid Center of Southern Nevada, Pro Bono Attorney Volunteer (representing low-income clients in family law and Children's Attorneys Project matters)

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