Holland & Hart



PRACTICES

Employment Litigation
Employment and Labor
Disabilities and Leaves
Trade Secrets and Non-Competes
Wage and Hour
Discrimination and Harassment

INDUSTRIES

Healthcare
Mining
Oil and Gas

EDUCATION

George Washington University, J.D., 1988
With Honors

University of Wyoming, B.S., 1985

BAR ADMISSIONS

Wyoming

COURT ADMISSIONS

U.S. Court of Appeals for the Tenth Circuit

Bradley Cave

Partner

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Brad Cave partners with employers to find the right solutions for their day-to-day legal issues arising from employment relationships.

When his clients' decisions are challenged, he defends employers and managers in court, before state and federal agencies, and in arbitration and mediation.

Brad works with family businesses, non-profit organizations, large and small companies, and public entities in the healthcare, human services, education, mining, oil and gas, and construction industries on a wide array of employment compliance matters difficult employment decisions, and defending disputes and litigation. In addition, Brad advises and represents public and private sector hospitals, clinics, and medical practices regarding compliance with federal and state health law and regulations. Brad also frequently conducts internal investigations for employers.

Brad enjoys leading training sessions for employers, managers, and supervisors in areas such as investigations, discipline and termination, harassment, discrimination, disability accommodation and leave management, and supervisory responsibilities.

Brad previously served as the practice group leader for the firm's employment and labor practice and on the firm's Management Committee. Brad currently serves on the Wyoming State Bar Board of Professional Responsibility.

EXPERIENCE

Discrimination, Harassment, Retaliation Investigation and Defense

Accommodations, Disabilities, Leave Management

Employment Litigation and Class Actions

- Breach of Contract
- Employment-related Torts
- Defamation and Free Speech
- Non-Compete and Trade Secrets
- Wrongful Discharge
- Workers Compensation

HR Counseling, Compliance, and Risk Management

- Drug and alcohol testing policies and procedures
- Employment contracts
- Employment policies, handbooks, and manuals
- Executive compensation and employment contracts
- Hiring, discipline, performance evaluations, and terminations
- Investigations and audits
- Wage and hour, equal pay, compensation, and benefits

CLIENT RESULTS

Discrimination

Our client, a public hospital, was sued by an orthopedic surgeon for gender discrimination under the Equal Protection Clause based on the hospital's purchase of a competing orthopedic practice owned by male surgeons. Brad persuaded the district court to dismiss the surgeon's claim prior to discovery, and successfully defended an appeal to the Tenth Circuit which affirmed the dismissal, finding the surgeon had failed to plead a viable claim of gender discrimination and the individual hospital board members had qualified immunity. *Morman v. Campbell County Memorial Hospital*, 632 Fed.Appx. 927 (10th Cir. 2015).

Negotiation and Resolution of High-Risk Claims

In three recent matters, Brad negotiated the resolution of a variety of claims asserted by former senior executives. Each matter involved motivated opposing counsel, highly-compensated executives with a grudge, and allegations of retaliation, illegality, or other malfeasance by the client's other senior officers or board members.

After a client's female vice president became embroiled in a romantic relationship with a direct-report male human resources officer, Brad counseled the client through an independent investigation to determine and implement the appropriate employment actions. He then helped the client to favorably resolve related claims before the Equal Employment Opportunity Commission.

Wrongful Discharge

Brad defended our hospital client and several of its senior executives when they were sued by a former chief medical officer. The former employee claimed the executives defamed him and conspired to terminate him to prevent him from disclosing alleged wrongdoing in the hiring of another employee. The doctor claimed he was entitled to $38 million in damages. After many months of contentious litigation, Brad obtained complete summary judgment against all the doctor's claims, and obtained a judgment against the doctor for breaching a release of claims he had signed after the termination of his employment.

Brad recently represented a Wyoming city to pursue the termination of employment of a shift captain in the city's fire department. After the city's civil service commission decided to accept the city's recommendation and

terminate the captain's employment, Brad successfully defended the decision on appeal, resulting in an opinion affirming the dismissal from the Wyoming Supreme Court. *City of Rawlins v. Schofield,* 2022 WY 103, 515 P.3d 1068 (Wyo. 2022).

Defamation and Privacy Issues

Brad obtained the dismissal of a defamation and abuse of process lawsuit against our psychologist client arising from our client's report of questionable activities by another psychologist to the state's psychology licensing board.

Brad advised our client on a particularly sensitive case after the female executive assistant to the CEO quit and filed suit for alleged defamation and emotional distress resulting from rumors circulating throughout the organization, and among the board of directors, that she had an affair with the CEO. Brad deftly managed the case through mediation and achieved a favorable settlement for the exact amount he predicted at the outset of the dispute.

Business Litigation

Our client was the general contractor for three large wind farm projects. The civil earthwork subcontractor defaulted on payments to several of its suppliers and ultimately walked off the projects prior to completion. We defended over a dozen separate lien actions filed against the projects, prosecuted claims, and defended counterclaims in litigation with the civil subcontractor. After a two-week jury trial in October 2011, a verdict in excess of $1 million was returned for our client.

Our client's right to operate its off-track betting facilities in a Wyoming county was terminated when the county commission adopted a resolution to reverse its prior approval of our client's operations in favor of another company. Brad led the team that successfully argued that the Wyoming statute governing our client's business did not give the county commission the power to reverse its prior approval. Following a favorable district court decision, Brad led the briefing team to defend the ruling on appeal to the Wyoming Supreme Court. *Campbell Cty. Bd. of Comm'rs v. Wyo. Horse Racing, LLC,* 2023 WY 10, 523 P.3d 901 (Wyo. 2023).

Covenant-Not-To-Compete Enforcement

Brad filed suit against an insurance agent who violated her covenant not to solicit the clients of our client, her former employer. After a day-long hearing, the trial court entered an injunction prohibiting further solicitation of clients. Following the entry of the injunction, Brad negotiated a settlement that enforced the client's contractual rights, and resolved – with no money changing hands - a separate lawsuit brought by another former agent who was working with the first agent.

Brad recently represented a national company in an action against one of its former sales executives who started a competing enterprise, and began soliciting our client's customers. He persuaded the federal court to enter a preliminary injunction against the former employee and his new business.

Then, he negotiated a settlement requiring the former employee to pay a portion of our client's attorneys' fees and consent to an injunction for twice the duration of the court's original injunction.

PUBLICATIONS

"AHLA Health Care Fraud Law: A 50 State Survey, Second Edition," *AHLA Health Care Fraud Law: A 50 State Survey, Second Edition*, Chapter Author, November 2025

"New Rules for Public Employers, Courtesy of the Wyoming Legislature," *Employment Law Update*, March 27, 2025

"Wyoming Legislature Takes a Bite Out of Covenants Not to Compete," *Employment Law Update*, March 21, 2025

"Wyoming Legislature Considers Eleven Employment Bills," *Employment Law Update*, January 22, 2025

"Employment: North America, USA Wyoming 2024," *Lexology Panoramic*, August 23, 2024

"Employment: North America, USA Wyoming 2023," *Lexology Getting the Deal Through*, September 29, 2023

"AHLA Health Care Fraud Law – A 50-State Survey, First Edition," *AHLA Health Care Fraud Law: A 50 State Survey, First Edition, Chapter Author*, October 2022

"Very Bad Year for Wyoming Noncompetes (And What You Can Do To Improve Yours)," *Employers' Lawyers Blog*, July 22, 2022

"Wyoming Employment Law Letter," *published monthly by Business and Legal Resources, Inc.*, Editor

"50 Employment Laws in 50 States," *Wyoming Chapter, published by M. Lee Smith Publishers, LLC*, Author

"Employment At Will: A State-By-State Survey," *Wyoming Chapter, published by the American Bar Association Labor & Employment Section*, Author

BLOG POSTS

"Jokes About Pregnancy May Be Used Against You!," *The Pulse*, July 17, 2026

SPEAKING ENGAGEMENTS

"2025 ELA Year in Review: US Employment Law," *Employment Law Alliance (ELA) Webinar*, January 22, 2025

"Wyoming Employment Law Update," *2024 Wyoming State Counsel of SHRM Annual Conference*, September 19, 2024

"Can DEI Programs Survive Judicial Scrutiny?," *Frontier Human Resources Association Legislative Update*, May 21, 2024

"Federal Trade Commission Bans Noncompete Agreements: Implications for Healthcare Providers," *Holland & Hart Health Law Webinar*, May 9, 2024

"Recent Changes to Federal Guidelines and What Employers Need to Know: FTC's Regulation Against Noncompete Agreements," *Holland & Hart Webinar*, May 9, 2024

"CMS Vaccine Mandate: Ongoing Compliance Issues," *Holland & Hart Health Law Webinar*, March 3, 2022

RECOGNITION

- *The Best Lawyers in America*® Lawyer of the Year, Employment Law – Management, 2025
- *The Best Lawyers in America*®, Employment Law – Management, 2003-2027; Labor Law – Management, 2003-2027; Health Care Law, 2023-2027
- *Benchmark Litigation,* Local Litigation Star, 2013-2023
- *Benchmark Labor & Employment*, Labor and Employment Star West, 2019-2022
- *Chambers USA,* Labor & Employment, 2005-2026
- Mountain States Super Lawyers®, Top 10 Lawyers, 2023-2026
- Mountain States Super Lawyers®, Top 100 Lawyers, 2015-2018, 2020-2026
- Mountain States Super Lawyers®, Employment Litigation: Defense, 2007-2026

PROFESSIONAL AND CIVIC AFFILIATIONS

- Inducted into The College of Labor and Employment Lawyers, November 2009 (The College's first Wyoming Member)
- Employment Law Alliance, Wyoming Member
- Employers Counsel Network, Wyoming Member
- American Bar Association, Member
- Wyoming Bar Association, Member
- Defense Lawyers Association of Wyoming, Member