Employment Litigation

Despite the best preventive efforts, employment claims sometimes arise. When they do, we are here to help you accomplish your goals in defending an employment dispute.

We represent our clients in the full spectrum of employment-related administrative charges and litigation, including breach of employment or noncompetition agreements, discrimination, sexual or other forms of harassment, retaliation, failure to accommodate, misappropriation of trade secrets, defamation, tortious interference with contract, and wrongful discharge. Our team also has extensive experience defending employment class actions involving claims of alleged discrimination, wage and hour violations, worker misclassification allegations, and wrongful tip pooling. In our practice, we understand that employment class actions can cause significant loss of productivity in the workplace, have a negative influence on morale, and be a drain on resources. Our approach to defending class actions recognizes that the defense strategy must assess and integrate the needs of the workplace into a comprehensive strategy for the employer to achieve a successful outcome at work as well as in court, as our case results demonstrate.

We also regularly represent clients before a number of federal, state, and local agencies; including the Equal Employment Opportunity Commission, Department of Labor, National Labor Relations Board, Department of Labor, Department of Housing and Urban Development, Occupational Safety and Health Administration, Office of Federal Contract Compliance, United States Citizenship and Immigration Services (USCIS), and state human rights agencies nationwide.

Employment Litigation Representative Matters

- Obtained summary judgment and appellate rulings dismissing multiple race discrimination actions brought against a private employer

- Obtained over $1 million dollar civil judgment against a former employee as a result of his embezzlement of employer funds
- Jury Trial: *RELCO, LLC v. Custom Fabricating & Repair, Inc., et al.* (obtained $22.7 million verdict in misappropriation of trade secret and confidential information case; Minnesota state court), October 2013
- Jury Trial: *Mattson v. Dooley's Petroleum, Inc.* (employee whistleblower case; Minnesota state court), January 2012
- Defended employer and prevailed at trial of disability discrimination and wage and hour claims
- Obtained summary judgment on behalf of employers in sexual harassment, discrimination, and workers' compensation retaliation claims brought by former employees
- Successfully defended employer against unfair labor practice charge
- Obtained summary judgment on behalf of a variety store chain in an age-discrimination case. The court ruled that our client did not engage in age discrimination when it terminated two of the highest-paid executives along with a number of other individuals as part of a reduction in force, nor did it breach its employment contracts with these individuals when it refused to pay certain expenses that were not earned prior to the executives' termination.
- Achieved summary judgment on behalf of a major motorcycle manufacturer in a lawsuit involving claims under the Family Medical Leave Act and race, gender and retaliatory discrimination following the plaintiff's termination from the company. The decision was affirmed by the 8th U.S. Circuit Court of Appeals.
- Achieved voluntarily dismissal with prejudice in Jackson County, Missouri, for publicly traded consumer products company in case where former maintenance employee charged age discrimination, workers' compensation retaliation and COBRA violations.
- Obtained complete dismissals by the Equal Employment Opportunity Commission on behalf of our client, a publicly traded, multi-billion-dollar company.
- Prevailed for a publicly traded financial services client in a contested appeal before the Oregon Employment Department, convincing the hearing officer to overturn the lower decision, which we argued had erroneously awarded benefits to a terminated agent.
- Successfully resolved various federal and state law claims actions against a manufacturing company client, arising from the alleged

misclassification of approximately 50 individuals who were treated by the client as independent contractors. We negotiated a class-wide settlement for a fraction of the plaintiff's opening demand before discovery or class certification.

- Represented several manufacturing and food service industry clients in Missouri and other states in arbitrations relating to the discharge of employees or the interpretation of work rules.
- Represent employers in various industries in wage-and-hour collective actions involving claims of misclassification, off-the-clock work, minimum wage, and miscalculation of overtime.

Class Action Representative Matters

- Represented Fortune 500 company in defense of nationwide class action alleging gender discrimination and hostile environment claims. Defeated class certification on nationwide hostile environment claim; defeated damages class on pay and promotion claims; obtained summary judgment on numerous lead plaintiffs' hostile environment claims.
- Represented Fortune 500 company in defense of nationwide class action alleging the company misclassified employees as non-exempt in violation of the FLSA. Obtained decertification of over 500 employees and former employees nationwide; obtained dismissal of misclassification claims of putative class members.
- Defended large public school system in expedited class-action lawsuit alleging disability and race discrimination stemming from largest mass school closing in U.S. history. Defeated class certification motion and preliminary injunction motion following full discovery and a hearing on the merits. Obtained complete defense victories on the merits in related multi-plaintiff litigation in other forums.
- Represented a restaurant in a class action lawsuit brought by the EEOC on behalf of approximately 200 current and former Hispanic employees of the restaurant who alleged discrimination based upon national origin.
- Defended staffing company in a federal wage and hour collective action. Obtained order decertifying the class.
- Defended an employer in a Minnesota state action involving claims that the plaintiffs were incorrectly classified as independent contractors and had been improperly paid under state wage and hour laws.

- Defended class action alleging gender and race discrimination suit. Resolved by confidential settlement.
- Defended employer in wage and hour tip pooling case brought by former employee on behalf of others similarly situated in Massachusetts.