



Megan M. Sutton

Shareholder

Nashville | 615.726.5614 | msutton@bakerdonelson.com

Megan M. Sutton represents management in every aspect of employment law.

Megan Sutton defends local, regional, and nationally-known employers in a broad range of employment matters, including the defense of cases under federal and state discrimination laws, against retaliation claims, and against claims for violation of the Family Medical Leave Act (FMLA) and the Americans with Disability Act (ADA). Ms. Sutton also litigates non-compete cases and advises clients facing challenging workforce issues such as employee discipline, termination, and leave issues. She also counsels clients through internal investigations involving claims of whistleblowing, harassment, and wage and hour issues.

Ms. Sutton represents clients in state and federal courts and in defense of administrative proceedings before the Equal Employment Opportunity Commission (EEOC), state human rights commissions, state unemployment commissions, arbitrators, and the Department of Labor (DOL). Since joining the Firm, Ms. Sutton has accumulated significant trial experience on large litigation matters.

Before joining Baker Donelson, Ms. Sutton was a judicial clerk for Chancellors W. Frank Brown, III and Jeffrey M. Atherton at the Hamilton County Chancery Court in Chattanooga, Tennessee.

Representative Matters

- Represented a perimeter security client in a three-day bench trial against a former management employee accused of embezzlement that resulted in a \$1.2 million judgment in the client's favor.
- Obtained summary judgment for a food manufacturing company where five named plaintiff's alleged race, national origin, color, age, and religious discrimination, constructive discharge, and negligent supervision claims in the U.S. District Court for the Middle District of Tennessee.
- Represented a financial institution in a federal jury trial that resulted in a defense verdict on plaintiff's fraud claim.
- Obtained summary judgment for a food manufacturing company where plaintiff alleged race discrimination, racially hostile work environment, retaliation, and constructive discharge in the U.S. District Court for the Middle District of Tennessee.
- Represented a client in a federal jury trial that resulted in a defense verdict on the plaintiff's claims for discrimination, retaliation, and failure to accommodate under the ADA.
- Represented a client in a federal jury trial that resulted in a directed verdict following the close of the plaintiff's proof on his claims for disability discrimination under the ADA and FMLA retaliation.
- Represented a client in a federal jury trial that resulted in a defense verdict on the plaintiff's claims for failure to accommodate under the ADA and FMLA interference.
- Represented a client in a jury trial defending regional lending institution in an age discrimination case in Jackson, Tennessee. Judge directed verdict in our favor after a hung jury.
- Obtained summary judgment for a financial institution where the plaintiff alleged gender and national origin discrimination, retaliation, and violation of the Equal Pay Act in the U.S. District Court for the Middle District of Tennessee.
- Assisted in a successful jury trial defending a large manufacturing client in a workers' compensation retaliation case where plaintiff, a 22-year-long employee, was terminated for work performance and who cited back injury as reason for poor performance, but never recorded the injury.

- Obtained summary judgment for a food manufacturing company where plaintiff alleged national origin discrimination and associational retaliation in the U.S. District Court for the Middle District of Tennessee.
- Obtained summary judgment for a senior housing community where the plaintiff alleged gender and pregnancy discrimination based on a failure to promote theory, including a claim for retaliation in the U.S. District Court for the Middle District of Tennessee.
- Obtained summary judgment for construction company on plaintiff's claims for FMLA interference and FMLA retaliation in the U.S. District Court for the Middle District of Tennessee which was affirmed by the Sixth Circuit Court of Appeals.
- Obtained summary judgment for an assisted living facility on state law claims where plaintiff alleged violation of Tennessee Public Protection Act, Tennessee Adult Protection Act and retaliatory discharge in violation of Tennessee common law.
- Obtained summary judgment for an assisted living facility where the plaintiff alleged race and gender discrimination, including claim for retaliation in U.S. District Court for the Middle District of Tennessee.
- Obtained summary judgment on plaintiff's state law claim for violation of the Tennessee Disability Act and then subsequently obtained a motion to dismiss plaintiff's claim for retaliatory discharge in violation of Tennessee common law.
- Obtained summary judgment for a national telecommunications company in two separate workers' compensation retaliation cases with a cable installer and an installation repair technician.
- Obtained summary judgment for a Japanese multinational automobile manufacturer in an arbitration where plaintiff alleged age discrimination, gender discrimination, sexual harassment, retaliation, and violation of the Equal Pay Act.
- Obtained dismissal with prejudice following plaintiff's deposition in her federal lawsuit where she alleged age and disability discrimination.
- Successfully mediated a case for national pest control company where plaintiff alleged race discrimination but was terminated for insubordination; settled for much less than demanded.
- Mediated a case in which sympathy rested heavily with plaintiff, a newly-hired African immigrant who was put on leave after several epileptic seizures at work, then fired since his job entailed operating heavy machinery. The employee was so new that he had not yet received FMLA benefits. The case was successfully settled for a fraction of the initial claim.



Professional Honors & Activities

- Named a *Best Lawyers in America*® "Ones to Watch" in Labor and Employment Law - Management (2021 – 2023)
- Named a Mid-South Rising Star by *Mid-South Super Lawyers* (2016 – 2020)
- Member – Tennessee and Nashville Bar Associations
- Member – DRI
- Member – Inns of Court
- Legal Advisor – Middle Tennessee Society for Human Resource Management (2022 – present)
- Legislative Affairs Director – Middle Tennessee Society for Human Resource Management (2020 – 2021)
- Past Board Member – ALIAS Chamber Ensemble
- Recipient – Associate of the Year Award, Nashville office (2015)
- Trial Coach – Harpeth Hall High School Mock Trial Teams (2011 – 2016)



Publications

- "Guns at Work in Tennessee, Part II," Baker Donelson Publications (February 2014)
- "EEOC Has Settled its First Lawsuit Filed Alleging Genetic Discrimination," Labor and Employment Compass (May 2013)

- "New Department of Labor Interpretation on FMLA Leave for Adult Children," Labor and Employment Compass (February 2013)
- "Michigan – The Latest State to Ban Employers From Accessing Password Protected Social Media Accounts," Labor and Employment Compass (January 2013)
- "Casual Comments to Human Resources May Support Retaliation Claim," Labor and Employment Compass (December 2012)
- "Gender Discrimination in FMLA Claims," Labor and Employment Compass (November 2012)



Speaking Engagements

- "Top 10 Employment Pitfalls," MTSHRM Wilson, Davidson, Williamson Counties chapter breakfast meetings (October, November 2022)
- "10 Litigation Catastrophes Employers Can Avoid," 2022 TN SHRM Conference and Exposition (September 2022)
- "Candidate Interviewing: Tips, Tools, and Legal Rules," MTSHRM webinar (November 2021)
- "Sword or Shield? How Depositions Can Break or Make Your Defense in Court," TN SHRM Conference and Exposition (August 2021)
- Moderator – "Ask the Attorneys Panel," 2021 TN SHRM Conference and Exposition Mega Session (August 2021)
- "Employment Law Update – Bring on 2021!," MTSHRM (January 2021)
- "But How Do We Defend Employment Decisions Now," 2020 MTSHRM MidSouth Employment Law Conference (October 2020)
- Moderator – "Ask the Attorneys Panel," 2020 MTSHRM MidSouth Employment Law Conference (October 2020)
- Conference Moderator – 2020 MTSHRM MidSouth Employment Law Conference (October 2020)
- "Hot Topics in Wage and Hour Law," Tennessee Hospitality and Tourism Symposium (July 2019)
- Panelist – "12 Practical Tips for Business Development," Women's Initiative Program (May 2019)
- "Workplace Retaliation: Don't Get Mad and Don't Get Even!" (May 2019)
- "Retaliation in the Workplace," SHRM Chapter, Williamson County (May 2019)
- "Wrap It Up" (December 2018)
- "Hot Topics in Sexual Harassment and Wage and Hour," Nissan CLE presentation (December 2018)
- "FMLA and ADA: Is Leave Time Now Unlimited?," MTSHRM Wilson County chapter breakfast meeting (August 2017)
- Panelist – First Tennessee's Middle Tennessee Women's Initiative Kickoff panel discussion on Negotiating (May 2017)
- "The Legal Side of Leadership – Management Training," Management Training, Catholic Diocese of Nashville (February 2016)
- "Criminal Background Checks," Third Thursday L&E Breakfast Briefing (November 2013)
- "Social Media in the Workplace – OMG!," Third Thursday L&E Breakfast Briefing (May 2012)
- "Election Season is Here: Politics and Religion in the Workplace," Third Thursday L&E Breakfast Briefing (March 2012)



Education

- University of Tennessee College of Law, J.D., 2010, magna cum laude
 - Recipient – Award for Excellence in Antitrust Law
 - Student Materials Editor – *Tennessee Law Review*
 - Staff Member – *Tennessee Journal of Law & Policy*
- Illinois Wesleyan University, B.A., 2007, magna cum laude



Admissions

- Tennessee, 2010
- U.S. District Court for the Middle District of Tennessee, 2011
- U.S. District Court for the Western District of Tennessee, 2012
- U.S. District Court for the Eastern District of Tennessee, 2022
- Sixth Circuit Court of Appeals, 2014