



## Megan M. Sutton

Shareholder

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Megan M. Sutton is a highly skilled and seasoned litigator who focuses on complex matters within the Firm's Labor & Employment Group. She has successfully represented clients in a wide range of employment-related disputes, demonstrating exceptional legal acumen and a commitment to achieving favorable outcomes.

Ms. Sutton focuses her practice on all aspects of labor and employment matters, with an emphasis on complex employment and restrictive covenant litigation. In her more than 15 years of practice, she has represented employers in the health care, financial services, manufacturing, retail and hospitality, and higher education industries.

Ms. Sutton's complex employment litigation practice includes matters related to claims of discrimination, retaliation, and violations of the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA). She regularly represents clients in state and federal courts and defends administrative proceedings before the Equal Employment Opportunity Commission (EEOC), state human rights commissions, state unemployment commissions, arbitrators, and the U.S. Department of Labor (DOL).

In her restrictive covenant litigation practice, Ms. Sutton has achieved results for her clients in awards of more than \$3 million. As a part of this practice, she also routinely advises her clients on employment agreements and next steps, including cease and desists, temporary restraining orders, and injunctions. She also provides advice and counsel to one of the nation's largest financial advising companies related to protecting their competitive edge.

Additionally, Ms. Sutton advises clients amid challenging workforce issues, such as employee discipline, termination, and leave, as well as through internal investigations involving claims of whistleblowing, harassment, and wage and hour issues.

Prior to joining Baker Donelson, Ms. Sutton served as a judicial clerk for Chancellors W. Frank Brown III and Jeffery M. Atheron of the Hamilton County Chancery Court in Chattanooga, Tennessee.

### Representative Matters

- Defended a provider of funeral, cremation, and cemetery services in the U.S. District Court for the Middle District of Tennessee against claims of alleged employee discrimination, retaliation, and failure to accommodate. Full summary judgment was granted and affirmed by the Sixth Circuit Court of Appeals.
- Represented a leading financial services firm in a case filed against nine former employees and their new firm for breach of contract, breach of fiduciary duty, trade secret misappropriation, and tortious interference. Obtained an award of \$3.5 million following arbitration.
- 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.

- 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.

- Represented a leading financial services firm in a case filed against nine former employees and their new firm for breach of contract, breach of fiduciary duty, trade secret misappropriation, and tortious interference. Obtained an award of \$3.5 million following arbitration.



## Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Employment Law - Management and Labor Law - Management (2024, 2025)
- Listed in *Best Lawyers: Ones to Watch*® in America for Labor and Employment Law - Management (2021 – 2023)
- Selected to Mid-South Super Lawyers (2024)
- Selected to Mid-South Rising Stars (2016 – 2020)
- Member – Tennessee and Nashville Bar Associations
- Fellow – Nashville Bar Foundation
- Member – DRI
- Member – Inns of Court
- Legal Advisor – Middle Tennessee Society for Human Resource Management (2022 – 2023)
- 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)
- "Retaliation in the Workplace," SHRM Chapter, Williamson County (May 2019)
- "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
  - 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