

# OUR PRACTICE

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## Labor & Employment Litigation

**When litigation arises, we first seek to understand our clients' goals, and then leverage our extensive experience in state and federal courts throughout the country to defend against wrongful discharge claims, various employment-related tort actions, and state and federal claims of unlawful discrimination. We represent our clients before all governmental bodies charged with the enforcement of employment statutes and policies, such as the National Labor Relations Board and the Federal Equal Employment Opportunity Commission. In response to the significant complications that the Americans with Disabilities Act and the Family and Medical Leave Act have brought to state workers' compensation claims, we have also developed an extensive workers' compensation defense practice.**

Clients look to Baker Donelson to ensure their compliance with employment-related laws and regulations such as Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act, Family and Medical Leave Act, Equal Pay Act of 1963, Work Adjustment and Retraining Notification Act, Drug Free Workplace Act of 1988 and the Fair Labor Standards Act, state fair employment practice acts, and many others. We conduct human resource audits and have also developed extensive training programs for client supervisors and managers on union avoidance, workplace harassment prevention, FMLA management and drug-free workplace, among others.

Our experience, reputation, and proven cost-effective representation of our clients' labor and employment matters is well-known, and our ability to deliver more than just labor and employment services to our clients is just one more way we have your company's best interests at heart.

### Representative Matters

*Results may vary depending on your particular facts and legal circumstances.*

- Obtained dismissal of a \$10.5 million action against a piano string manufacturer that included purported causes of action under the Tennessee Public Protection Act and common law prohibition against retaliatory discharge and outrageous conduct.
- Defended a large company in a jury trial for an age discrimination case and saved the company \$1.5 million.
- Defeated the EEOC in a same-sex harassment and retaliation case for a petroleum recycling company on a motion for summary judgment, the EEOC withdrew its appeal.
- Successfully represented a freight trucking company in a federal court jury trial against claims for race discrimination and retaliation in violation of the THRA and Title VII.
- Negotiated the transition of senior executives and department managers out of the client's employment, resolving whistleblower claims as part of the agreements.
- Obtained summary judgment in state court on Tennessee Disability Act claim.
- Obtained summary judgment and dismissal of all claims in Tennessee federal court for a regional staffing service in a case in which the plaintiff alleged gender discrimination and retaliation under Title VII.
- Won a jury trial in a race discrimination case for a national movie theater company.
- Won a jury trial in an age discrimination claim for a computer software company, including successfully demonstrating after-acquired evidence.
- Obtained summary judgment in favor of a publicly traded energy company regarding allegations of sexual harassment, race discrimination and retaliation.

- Successfully represented a client in a federal court jury trial against claims for violation of the ADA, FMLA, and FMLA retaliation.
- Successfully represented a medical college in a federal court jury trial against claims for national origin and religious discrimination in violation of Title VII and the Tennessee Human Rights Act (THRA), and for breach of employment contract.
- Obtained summary judgment in favor of client in a discrimination lawsuit filed in federal court by a truck driver alleging race and age discrimination in violation of Title VII and the ADEA and successfully defended the appeal before the U.S. Court of Appeals for the Fifth Circuit and the United States Supreme Court.
- Obtained dismissal in favor of the client for a wrongful termination lawsuit in Mississippi state court attempting to rely on a novel expanded view of the exceptions to the at-will doctrine and successfully defended appeal before the Mississippi Court of Appeals and Mississippi Supreme Court.
- Won dismissal of former employee's FMLA claims on behalf of employer.
- Obtained summary judgment and complete dismissals for defendants in multiple discrimination cases, including age discrimination, race discrimination, and reprisal discrimination.
- Obtained summary judgment for DOE contractor on all of Plaintiff's claims, including Title VII and THRA sex and age-based discrimination claims, as well as a whistleblower claim asserted pursuant to the Tennessee Public Protection Act.
- Secured numerous "no cause" findings for multiple employers before the EEOC, the Tennessee Human Rights Commission, and many other state agencies.
- Following a finding of religious discrimination by the EEOC, obtained dismissal of federal lawsuit brought by former employee against national restaurant chain and obtained a complete defense verdict in subsequent arbitration proceedings.
- Obtained partial summary judgment in enforcement action brought by the EEOC against national health care provider involving claims of disability discrimination and failing to accommodate a former employee's alleged disability under the Americans with Disabilities Act.
- Defended EEOC enforcement action under the Equal Pay Act and Title VII for alleged discriminatory compensation based on gender.
- Conducted an internal investigation of a complex gender harassment and discrimination suit filed by a female vice president of a large federal contractor. The investigation required the interviews of the entire executive staff of the organization.
- Represented a large financial institution in a lawsuit filed by a former employee alleging race and gender discrimination and retaliation. Conducted initial motions practice and significant discovery before the matter was resolved during mediation.