

Employment Litigation

Employment disputes, among the fastest-growing areas of litigation in federal and state courts, can disrupt an organization and detract from a business' operations and mission. Stinson's nationally-ranked team of employment litigators can help clients minimize risk and develop litigation strategies consistent with the client's business philosophy and the nature of the dispute. Our team helps clients decide whether the best course of action is early resolution through mediation or aggressive litigation. Our attorneys are effective courtroom advocates with substantial experience in bench and jury trials in state and federal court, as well as defending cases on appeal.

Stinson's employment attorneys represent a wide range of employers in employment litigation, whether the matters are pending in federal or state court, in arbitration, or before an administrative agency. We have successfully defended employers in trial and appellate courts throughout the United States, including EEOC-initiated actions. We also have represented employers in various administrative actions before the Department of Labor and administrative law judges.

CAPABILITIES

- Employment discrimination claims under federal, state and local statutes (including Title VII, ADEA, ADA, § 1981 and FMLA and equivalent state statutes).
- Wage and hour claims under the FLSA and state wage and hour laws.
- Employment-related claims advanced under the Railway Labor Act, NLRA, OSHA, HIPAA, IRCA, WARN and equivalent state statutes.
- OFCCP Executive Order Affirmative Action Plan audits and administrative actions.
- Noncompetition and trade secret cases.
- Wrongful termination cases under state law.
- Retaliation and whistleblowing cases under state and federal law (including SOX claims).
- State law contract disputes.
- State law tort claims.

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Our employment litigators also have experience in the management of large-scale document collection and review projects, including custodian interviews and collections by remote methods, and collection of electronically-stored information. We have experience directing document review teams, managing e-discovery projects and handling litigation of e-discovery disputes in the most cost-effective manner for our clients.

Our clients include national and international corporations as well as regional and local businesses. We've represented clients in a variety of industries, including aviation, financial services, food service, health care, higher education, hospitality, manufacturing, media, not-for-profit, professional services, retail, service providers, technology, and telecommunications.

EXPERIENCE

- Defended an international funeral services company in numerous multi-state, multi-jurisdictional wage and hour class actions, successfully obtaining dismissals and/or nominal settlements.
- Defended a worldwide health care information technology company in multiple class and collective action cases, both in federal and state court, alleging violation of wage and hour laws, obtaining favorable resolutions for the company of all cases.
- Represented a nationwide distribution, warehouse, and logistics services company in the defense of an FLSA action asserting that the company misclassified independent contractors who provided delivery and courier services.
- Defended a collective action case against a federally qualified health center in which certain exempt employees alleged that they were misclassified and denied overtime compensation, successfully defeating plaintiffs' efforts to certify a class on various state law claims.
- Represented a financial institution in an FLSA collective action alleging misclassification of mortgage loan originators at 15 locations throughout Kansas and Missouri, resolving the case favorably prior to certification of the class.
- Represented one of the world's largest packaging companies in the defense of a nationwide FLSA case alleging employees were required to work "off the clock" without being paid for that time.
- Defended putative collective action claims under the FLSA on behalf of a provider of transportation and wireless networking implementation services.
- Defended a provider of support services to individuals with disabilities and a comprehensive provider of behavioral health services in class and collective action cases alleging violations of federal and state wage and hour laws.
- Defended a national automobile retailer at trial against allegations of national origin discrimination and retaliation in a case brought by the EEOC and secured a unanimous jury verdict in favor of the dealership.

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- Obtained a defense verdict in a federal jury trial for a nationwide retailer in a lawsuit alleging sexual harassment and retaliation.
- Successfully defended a worldwide hotel company, through trial and appeal, against claims of harassment based on race, sex and age.
- Obtained a jury verdict on behalf of an aircraft manufacturer in Title VII litigation alleging discrimination and harassment based on race, religion and national origin.
- Obtained a jury verdict in favor of a regional bank on claims of gender discrimination under state law.
- Successfully enforced a law firm's mandatory arbitration program, defended the law firm against claims of wrongful discharge and whistleblowing brought by two former employees, and obtained a finding in favor of the firm at an arbitration hearing.
- Defended a six-plaintiff race discrimination case for a national restaurant chain alleging discriminatory demotion and discharge, obtained summary judgment on five of the six cases, and negotiated a "walk away" settlement for the remaining plaintiff prior to trial.
- Represented grain industry and construction industry employers in administrative actions before the Occupational Safety and Health Review Commission and administrative law judges to resolve OSHA standard issues beneficial to employers.
- Successfully negotiated the resolution of EEOC-litigated race discrimination claims filed against a national aerospace and defense technologies government contractor.
- Defended a client in the hospitality industry in a lawsuit alleging that the client's commission-based compensation plan did not properly compensate employees under federal and state minimum wage and overtime laws.
- Obtained numerous summary judgments for clients in multiple industries, including one of the world's largest airlines, a North American rail company, a major telecommunications company, a national garment cleaning company, a national bank, a defense contractor, a Major League baseball franchise and one of the world's largest food companies.

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Benjamin D. Woodard

RELATED CAPABILITIES

Labor, Employment & Benefits

Employee Benefits

Employee Benefits Litigation

Employment Investigations & Compliance

Labor Relations

NEWS

Konopka, Thomas Provide Guidance for Navigating Complaints from Trans Employees, Fostering Inclusive Workplaces in *Law360*

05.06.2024

Sharon Ng Selected as Recipient of *Jurimetrics* Distinguished Alumni Award

04.15.2024

Super Lawyers' 2024 Southwest Lists Features Four Stinson Attorneys

04.08.2024

Stephanie Scheck Shares Career Journey, Offers Guidance and Insight in Women's History Month Q&A with *The Legal Intelligencer*

03.11.2024

Wichita Business Journal Highlights Nanette Turner Kalcik's Move to Stinson

03.06.2024

Stinson Adds Experienced Litigator and Trial Attorney to Wichita Office

02.22.2024

Sargeant Discusses Workplace Investigations on Employment Law Podcast

01.26.2024

Wichita Business Journal Highlights Scheck's Elevation to Office Managing Partner

01.25.2024

Stinson Names Scheck as Wichita Office Managing Partner

01.19.2024

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Buethe Featured in *Minnesota Lawyer's* Breaking the Ice Series

01.12.2024

Buethe Details New Labor Landscape, Provides Workplace Relations Guidance in *Minnesota Lawyer* Article

12.07.2023

Naima Starks' Next Chapter with Stinson Highlighted by *Law360*

09.27.2023

Sports Law and Employment Investigations Attorney Joins Stinson in DC

09.20.2023

Stinson's Arnone, Edwards Selected to 40 & Under List

08.03.2023

Pat Konopka Makes Debut on Employment Law POWER List

07.12.2023

Labor Relations, Employment Litigation Attorney Nicole Faulkner Returns to Stinson

06.28.2023

Konopka Talks Noncompete Ban, Employer Preparation in *Kansas City Business Journal* Article

06.02.2023

Four Phoenix Attorneys Recognized as 2023 Southwest *Super Lawyers*

04.07.2023

Schroeder Details How the FTC Ban on Non-Competes Impact Trade Secret Protection in *IPWatchdog* Column

02.17.2023

Maricopa County Bar Association Inducts Williams into Hall of Fame

11.11.2022

Partner Amy Conway Selected as *Minnesota Lawyer* D&I Award Honoree

08.24.2022

Best Lawyers in America® Names Nine Stinson Attorneys as "Lawyer of the Year"

08.18.2022

Donesky, Kruse Share Advice for Handling Employment Claims in *SHALE* Magazine

08.16.2022

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Tracey Holmes Donesky Featured by *Attorney at Law Magazine*

06.15.2022

Three Phoenix Attorneys Recognized as 2022 Southwest *Super Lawyers*

04.13.2022

Lonnie Williams, Jr. Recognized with Lifetime Achievement Award by Arizona Black Bar Association

11.08.2021

Ten Stinson Attorneys Named 2022 Lawyers of the Year by *Best Lawyers in America*

08.19.2021

Lonnie Williams, Jr. Recognized with 2021 President's Award by State Bar of Arizona

06.29.2021

Sharon Ng Recognized in Lawyer of the Year Category for *Chambers D&I Awards*

06.21.2021

Ben Woodard Selected for 2021-2022 Leadership St. Louis Class

06.15.2021

Stinson Attorneys Named to 2020 Minnesota *Super Lawyers* and Rising Stars

07.20.2020

EVENTS

New Challenges for HR in 2024- Phoenix

02.20.2024

New Challenges for HR in 2024- Minneapolis

02.13.2024

New Challenges for HR in 2024- Wichita

Mark Arts, 02.08.2024

New Challenges for HR in 2024- St. Louis

Stinson LLP, 02.06.2024

New Challenges for HR in 2024- Kansas City

Overland Park Convention Center, 01.30.2024

New Challenges for HR in 2023 – Kansas City

Kansas City, 01.26.2023

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New Challenges for HR in 2022

02.03.2022

New Challenges for HR in 2021

02.04.2021

New Challenges for HR in 2020 - Kansas City
Overland Park Convention Center, 02.13.2020

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