

# Employment Litigation

## Overview

In representing clients, our primary objective is to provide practical employment advice to prevent workplace disputes from escalating into formal legal proceedings. When disputes cannot be resolved informally, Munsch Hardt is prepared to litigate. Our trusted Labor & Employment attorneys regularly represent management in state and federal courts throughout the country, as well as before federal, state and local administrative agencies. From high stakes multi-plaintiff litigation to single plaintiff discrimination cases, our litigators have the substantive expertise necessary to assist our clients to position themselves in the best possible way.

Operating from offices in Texas, we represent employers across the country in lawsuits and arbitrations involving claims such as:

- Workplace investigations
- Disability accommodation and leave
- FMLA-related leave
- Employment and executive contracts
- Employment discrimination litigation
- State law employment torts
- Traditional labor arbitrations and NLRB matters
- Worker Adjustment & Retraining Notification Act (WARN)
- Reductions in force
- Fair Credit Reporting Act
- Trade secrets
- Wage and hour
- Whistle blower actions
- Workplace privacy and workplace violence
- Wrongful termination
- Military leave
- Occupational Safety and Health Administration (OSHA)

Recognized regionally by *U.S. News – Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* every year since 2011, our Employment Litigation practice is proud to be comprised of a number of attorneys who are Board Certified in Labor and Employment law by the Texas Board of Legal Specialization, including Bill Finegan, Matt Holley and Sameer Karim. In addition to litigation, mediation, arbitration and appeals, our attorneys conduct human resource and labor relations audits and develop extensive training programs for client supervisors and managers on union avoidance, workplace harassment prevention, FMLA management and discipline and discharge, among others.

Our experience, reputation and proven cost-effective representation of our clients' labor and employment matters is well-known, and our full service Firm's ability to deliver more than just labor and employment services to our clients is just one more way we show clients that their success is our success.

## Experience

## Employment Counsel + Litigation

Represented an embedded federal contractor in all matters of employment and traditional labor to assist in bringing multiple on-going disputes to resolution. Employment related issues had a broad range and history involving all areas of the operation, including allegations of systemic discrimination and harassment, wage and hour issues and whistleblower claims. All litigation and remedial actions were closely monitored and approved by a Federal agency. Representation resulted in no pending litigation or ADR matters for the first time in more than a decade.

## Fair Standards Labor Act

Successfully represented an energy services company in an FLSA suit against the Department of Labor (DOL), in which the DOL investigated the energy services company for wrongly misclassifying its employees as independent contractors, ordering the company to pay more than \$6.2 MM in fines and back pay. Obtained a ruling in favor of the energy services company, dismissing the agency's enforcement action and validating the company's business model and use of independent contractors. Following the ruling, the energy services company sued the government under the Equal Access to Justice Act (EAJA), to recover attorneys' fees. The Fifth Circuit court ultimately ruled the DOJ acted in bad faith, and ordered the DOL to pay more than \$1 MM in attorneys' fees.

## Health Care Representation

Obtained summary judgment against a former executive of a large hospital system individually relating to a substantial loan made by our client to assist the hospital system in covering expenses and payroll during a period of transition and sale of the hospital system. Judgment against individuals included payment of outstanding loan balance, default interest and payment of all attorneys' fees and costs incurred.

## Fair Labor Standards Act

Represented a leading oil and gas service company in a collective action under the Fair Labor Standards Act (FLSA). The lawsuit alleged the service company misclassified its Dispatchers as exempt from the overtime requirements of the FLSA and failed to pay them overtime. The Plaintiffs sought damages for unpaid overtime, liquidated damages and attorney's fees.

## Equal Employment Opportunity

Represented two large owner/operators of fitness clubs in connection with claims of race discrimination and retaliation by a former employee. Guided clients through the EEOC charge process, then defended clients in a lawsuit filed by the former employee. Obtained a quick dismissal for one client and a favorable settlement for the other client after filing a motion for summary judgment based on a complex statute of limitations argument.

## Workplace Investigation

Worked with nationwide provider of cellular services in conducting an independent workplace investigation regarding allegations of systemic discrimination, harassment and retaliation involving HR staff. Investigation included interviews of multiple employees and concluded with a written report, workplace policy modifications and planning with the client's executive team regarding conclusions, recommendations, and best practices going forward.

## Practice Leaders



**William Finegan**

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## Related People

William Zac Duffy  
Bayley Estep  
William Finegan  
Erica Garcia-Jasso  
Craig Harris  
Clifford Harrison  
Tiffany Harrod  
Michael Harvey  
Brenna Lermon  
Matt Holley  
Christopher Jordan  
James Jordan  
Sameer Karim  
Amber Karns  
Kelly Koster  
Nicole Manley  
G. Carson May  
Keith McDole  
Tiffany Minks  
Pooneh Momeni  
Daniel Pipitone  
Courtney Sauer  
Carrie Schadle  
Richard Schwartz  
Natalie Sears

Devon Sharp  
Dennis Siaw-Lathey  
Brandon Stendara  
Aynsley Young

## Related Practices

Labor & Employment  
Covenants Not to Compete  
Employment Litigation  
FLSA  
OSHA  
Trade Secrets  
Traditional Labor Law

## Related Industries

Admiralty & Maritime  
Financial Services  
Construction  
Energy  
Health Care  
Hospitality  
Insurance  
Manufacturing  
Real Estate  
Retail  
Technology & Telecommunications  
Transportation

## Achievements

- *U.S. News – Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Litigation – Labor & Employment (2011-2021)

## Newsroom

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**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2021 “Best Law Firms” List by U.S. News - Best Lawyers®

**Article:** Dallas Paid Sick Leave Ordinance Blocked by Federal Judge

**Article:** The Families First Coronavirus Response Act

**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2020 “Best Law Firms” List by U.S. News - Best Lawyers®

**In The News:** Retailer Conn's Says Ex-Counsel's New TCPA Suit Improper

**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2019 Best Law Firms List

**Article:** Aynsley Young Discusses Paid Sick Leave with Texas Lawyer

**Article:** Texas Lawyer Features Article from Shareholder Devon Sharp on LGBTQ Rights

**Speech:** Michael Huddleston and Nolan Knight Present at Advanced Insurance Law Conference

**Press Release:** Experienced Trial Lawyer Craig Harris Joins Munsch Hardt's Growing Litigation Practice

**Article:** Mass Layoffs And Plant Closings, Oh My!

**Article:** Employment Agreements Mitigate Construction Litigation Concerns

**Speech:** 2016 Employment Law Update

**Press Release:** Munsch Hardt Earns Top-Tier Rankings in 2016 Best Law Firms List

**Article:** Regulations cause offshore companies to examine independent contractor status

**Speech:** Workplace Harassment: The Distinction Between Rude and Unlawful Behavior

**Speech:** Discrimination, Harassment and Retaliation: Awareness and Prevention

**In The News:** Munsch Hardt Poaches Two Attorneys From Houston's Old Guard

**Press Release:** Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office

**Speech:** View From the Top: U.S. Supreme Court Update

**Speech:** Employment in the Energy Sector, Key Terms in Employment Agreements and Workplace Policies

**Speech:** The Dos and Don'ts of Hiring and Firing

**Speech:** VP On A Forklift: Wage & Hour Regulations

**Article:** Rectifying the Plan Documents Rule Under ERISA