

EMPLOYMENT LITIGATION DEFENSE

Husch Blackwell defends employers against state and federal litigation that is an unfortunate reality in today's increasingly regulated workplace. Our employment litigation defense team has extensive experience handling individual actions alleging discrimination, harassment, whistleblower retaliation, and violations of the Family and Medical Leave Act (FMLA). Clients also trust us to secure the best possible outcomes in sophisticated and complex class and collective actions involving allegations of discrimination, wage and hour violations under state law and the Fair Labor Standards Act (FLSA), and Employee Retirement Income Security Act (ERISA) claims.

When state and federal administrative agencies come calling, our employer defense attorneys represent businesses in matters involving employment discrimination charges, unfair labor practice complaints, and wage and hour claims.

Representative Experience

Obtained defense verdict on behalf of The Kansas City Southern Railway Co. in a week-long jury trial in St. Louis County, Missouri wherein an employee alleged that KCSR had violated the Federal Employers' Liability Act, Federal Safety Appliance Act, and the Locomotive Inspection Act.

Obtained dismissal of a whistleblower complaint filed with OSHA against a client in the cable television sector. The



When we were hit with a complex web of wage and hour class actions, Husch Blackwell was the natural choice. The team's expertise in the substantive legal issues, combined with the investment they made to develop a deep knowledge of our business, has made them a uniquely effective litigation partner.

— Carey L. Bartell,
Vice President, Chief
Counsel – Legal &
Government Affairs,
Conagra Brands Inc.

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whistleblower accused our client of failing to provide him with certain safety equipment and of retaliating with wrongful termination.

Defended ConAgra Foods in a class and collective action filed by supervisors seeking overtime compensation alleging they were misclassified as "exempt" under state and federal wage and hour laws. The Eighth Circuit Court of Appeals affirmed summary judgment for ConAgra and found that the supervisors satisfied all tests for the "executive" exemption under the Fair Labor Standards Act (FLSA) and state law. The court also ruled on an issue of first impression and agreed that the plaintiffs were liable to ConAgra for its litigation costs.

Represented ConAgra Foods in a collective action filed by its employees seeking compensation for time spent dressing and undressing before and after their shifts, and walking to their work stations around those dressing activities. The Eighth Circuit Court of Appeals ruled that ConAgra Foods did not violate the Fair Labor Standards Act. Deciding a novel issue of law in the Eighth Circuit, the court agreed that employees need not be paid to walk to or from their work stations when management and the labor union had agreed employees would not be paid for adjacent dressing time.

Represented client in lawsuit alleging violations of Fair Labor Standards Act (as well as the Colorado Wage Act and Colorado Minimum Wage Order Number 31) for unpaid overtime wages, penalties, and fees.

Represented university in a novel employment

discrimination matter pending before the Wisconsin Equal Rights Division. Following intensive discovery and a multi-day evidentiary hearing, the Husch Blackwell team prevailed with a full dismissal for the client.

Successfully defended energy company in a workplace discrimination lawsuit filed by a former employee who claimed age discrimination, gender discrimination, associational race discrimination, and retaliation.

Led the defense of a class and collective action where plaintiffs claimed unpaid overtime with alleged damages in the seven figures.

Represented Suddenlink in a collective action filed by a group of call center employees who alleged they were not paid for periods of time spent prior to clocking in (booting up computers and other work activities).