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PRACTICE FOCUS

Employment Litigation &
Counseling

Business & Commercial
Litigation

BRENT N. COVERDALE

Shareholder

As the Firm's employment litigation and counseling practice group chair, Brent has vast experience assisting clients with litigation and counseling matters throughout the country. In addition to general commercial litigation, Brent's practice focuses on employment law, including administrative agency proceedings, civil litigation, and trials.

His years of experience defending claims of discrimination, retaliation, wrongful termination, wage and hour class and collective actions, and agency investigations cause employers to seek his assistance representing them in state and federal courts throughout the country. He has obtained successful results for clients at all levels of litigation, from motions to dismiss through trial and appeal.

Brent also helps clients outside of litigation, counseling them on handbook and policy review and formulation, ADA and leave of absence issues, employee classification issues, employee and supervisor training, compliance audits, and investigations. He has worked on employment matters for a wide variety of companies, from retail operations, energy companies, telecommunications and information technology companies, automobile manufacturers, restaurants and food service operations, hotel chains, construction companies, hospitals, transportation services, staffing companies, educational institutions, financial companies, architecture and engineering firms, and insurance companies.

EDUCATION

JD, Order of the Coif, University of Kansas School of Law, 1998

BA, with honors, Kansas State University, 1995

AWARDS & RECOGNITIONS

- AV[®] Preeminent[™] Peer Rating, Martindale-Hubbell
- Repeatedly recognized as "Client Service All-Star" by BTI Consulting Group
- Ranked by Chambers USA in the Kansas City area in the field of labor and employment law
- *Best Lawyers in America*: • Employment Law - Management
- *Super Lawyers, Missouri and Kansas*

EXPERIENCE
SOLUTIONS
RESULTS

EXPERIENCE AND RESULTS

- Won a \$6 million unanimous verdict in jury trial in Jackson County, Missouri on behalf of awards and promotional products company after the company's former employee and competitor conspired to work together to breach the employee's duty of loyalty and tortiously interfered with business relations.
- Obtained a defense verdict in jury trial in Jackson County, Missouri on behalf of the Board of Police Commissioners of Kansas City, Missouri and Chief of Police Darryl Forté. Four male applicants for a sergeant transfer to the Canine Unit brought claims of gender discrimination over the Chief's selection of a female candidate.
- Obtained reversal of a roughly half-million-dollar award against a medical care staffing company. The Department of Labor issued a determination finding violations of the H-1B program company-wide. After we achieved reversal of portions of the determination through administrative hearings, the Eighth Circuit Court of Appeals reversed the remaining awards, finding that the Department overstepped its authority by initiating a company-wide investigation despite only finding reasonable cause to investigate one specific (and limited) issue for one employee.
- Achieved summary judgment in state court against employee on behalf of energy provider. The former employee alleged gender discrimination and retaliation, based on alleged statements that she was not a viable candidate because of her status as a single parent with small children and later termination.
- Served as lead counsel and obtained verdict for financial services company in jury trial against former agent for breach of contract. The former employee raised a variety of legal and equitable arguments against enforcement of his agreement.
- Counseling for employers from international companies to small businesses on a variety of employment matters, such as developing a nationwide background check system for U.S. employees of an international retailer, counseling a major automaker on wage and hour issues, and assisting a large municipal employer in reductions in force.
- Served as lead counsel for multiple employers in wage and hour lawsuits, both as collective actions and individual litigation, including obtaining summary judgment despite allegations of substantial overtime for off-the-clock work.
- Achieved summary judgment against employee on behalf of energy provider. The former employee alleged disability discrimination and retaliation under the ADA, as well as off-the-clock work.

EXPERIENCE
SOLUTIONS
RESULTS

EXPERIENCE AND RESULTS (cont.)

- Represented sales company against former employee in violation of noncompete agreement. After an evidentiary hearing, obtained declaratory judgment, permanent injunction, and fees.
- Achieved summary judgment against employee on behalf of government contractor. The former employee alleged whistleblower retaliation for reporting false billing.
- Represented local social work provider against state unemployment agency finding that counselors were employees rather than individual contractors. After a multi-day hearing, successfully convinced agency hearing officer to reverse the initial determination.
- Achieved summary judgment against employee on behalf of government contractor. Former employee alleged discrimination under the ADA based upon alleged mental disabilities.
- Defended employer in Department of Labor administrative hearing regarding wage and hour matters for foreign workers. The government alleged liquidated damages provision of employment contract was illegal, but after a multi-day hearing, the judge found the provision to be enforceable.
- Defended trucking company in employment discrimination case alleging race, color, and sex harassment and discrimination. Achieved prompt resolution after early investigation.
- Represented trucking company where trailer mechanic alleged vague disability, and was terminated when no position was available when he was able to return. Achieved finding from state agency that mechanic was not discriminated against due to his disability.
- Defended propane carrier in Department of Labor proceedings by driver alleging retaliation for reporting violations of the Surface Transportation Assistance Act and other laws.
- Represented hospital in workers' compensation retaliation claim brought by employee terminated for poor performance. Achieved prompt resolution after convincing court to remove punitive damages from case.
- Obtained prompt injunctive relief, leading to overall resolution, on behalf of medical center enforcing noncompete agreement against doctor going to work for competing medical facility in the same area.

EXPERIENCE AND RESULTS (cont.)

- Successfully briefed and argued several matters before various state and federal appellate courts. *Greater Missouri Medical Pro-Care Providers, Inc. v. Perez*, 812 F.3d 1132, 2015 WL 8591614 (8th Cir. 2015); *Carmody, et al. v. Kansas City Board of Police Comm'rs*, 713 F.3d 401 (2013); *Napreljac v. John Q. Hammons Hotels, Inc.*, 505 F.3d 800 (2007); *Electronic Data Systems v. Kansas Dept. of Human Resources*, 108 P.3d 468 (2005); *Ferrellgas Partners, L.P. v. Barrow*, 143 Fed. Appx. 180 (2005).

ADMISSIONS

- United States Court of Appeals for the Fifth, Eighth, Tenth, and Eleventh Circuits.
- United States District Courts for the District of Kansas, Western District of Missouri, Northern District of Illinois Trial Bar, and District of Colorado
- Supreme Courts of Kansas and Missouri

EXPERIENCE
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RESULTS