



Claims Examples

A small Tennessee based commercial contractor hired a general laborer who on his first day of employment was asked to sweep up saw dust and wood scraps at the end of the day and deposit them in a metal barrel for the purpose of minimizing overnight fire risk. He informed his supervisor that he was not hired to be a janitor and refused to perform the task. The supervisor advised him that his employment would be terminated. The then former employee filed an EEOC charge alleging racial discrimination but the EEOC issued a finding of no discrimination. Using his right to sue letter, the ex employee filed suit. After several hours of deposition and discovery, the contractor's attorney filed a motion to dismiss with which the court agreed. Cost of defense exceeded \$35,000.

A minister in a Tennessee church was terminated for objecting to a church rule which denied employment to pregnant females. He filed suit against the church which agreed to a 5 figure out of court settlement thus avoiding potential adverse publicity.

An east Tennessee white collar business was sued by a clerical employee for failure to pay overtime. The employer was somehow under the illusion that paying personnel in the form of salary as opposed to hourly would make the employee exempt from the overtime requirement. After much discovery and advice from counsel, the employer agreed to settle out of court for \$89,000. He has since redrafted all job descriptions and obtained legal advice as to exempt/non-exempt status of his employees.

A Tennessee automobile dealer terminated a service manager who filed a lawsuit alleging retaliation. The former service manager stated that he had been required to return out of warranty worn out parts to the manufacturer but to tell the manufacturer that the parts were worn out during the warranty period. The auto dealer settled the case out of court for a 5 figure amount.

A Tennessee based restaurant was sued by a group of assistant managers for payment of unpaid overtime wages. The case resulted in a judgment of \$2,000,000 against the restaurant. While the employees were given the title of assistant manager, they apparently supervised no one and spent most of their time waiting and bussing tables. They were paid on a salaried basis and required to work up to 60 hours a week on some occasions.

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