



## Jason P. Hungerford

### Associate

#### Contact:

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### Biography

Jason is an experienced litigator and counselor who represents employers in both single-plaintiff and class-action matters across the country. He relies on his prior experience as plaintiffs' counsel to help clients with difficult and complex workplace issues, and strategically litigate when necessary. With substantial business litigation also under his belt, Jason understands that a company's brand and objectives require a tailored approach to representation, and clients appreciate his commitment to their business goals.

Jason views himself as just "a regular guy," which allows him to connect with the highest level of executives and entry-level employees the same. Jason's areas of practice—traditional labor, and wage-and-hour—can be especially contentious, and his ability to connect with others makes him an effective advocate when it matters the most. He also regularly counsels and trains clients on sexual harassment in the workplace, and his easy demeanor makes navigating the #metoo climate a little bit easier for everyone involved.

At home, you'll find Jason chasing his two boys and planning date-nights with his wife. Originally from warmer climates, Jason and his family love Minnesota and all it has to offer—especially the local pizza, beer, ice cream, and the Vikings.

### Key Practice Experience

- Class and complex litigation
- Labor Relations
- FLSA/wage-and-hour defense
- ERISA compliance, counseling, investigations and class litigation
- Sexual Harassment and other employment discrimination
- Whistleblower/False Claims Act

### Education

University of Minnesota Law School, J.D.,  
*magna cum laude*, 2008

The University of Texas at El Paso, B.A.,  
Philosophy and Political Science, *summa cum laude*, 2003

### Bar Admissions

U.S. Supreme Court

Seventh Circuit Court of Appeals

Minnesota State Courts

Texas State Courts

U.S. District Court for the District of Minnesota,  
Eastern District of Wisconsin, Northern District  
of Texas, and Western District of Texas

- Federal and state administrative agency practice
- Appellate practice

### **Clerkships/Internships**

- Law Clerk, The Honorable Natalie Hudson, Minnesota Court of Appeals
- Summer Law Clerk, The Honorable David Chew, Eighth District Court of Appeals, Texas
- Judicial Intern, The Honorable Philip Martinez, U.S. District Court for the Western District of Texas

### **Key Industry Experience**

- Restaurant and hospitality
- Transportation
- Health Care
- Retail
- Delivery logistics
- Financial services
- Oil Field Services

### **Representative Matters**

#### **Labor Relations**

- Spearheaded regional strike planning and preparations for Fortune 100 Company in response to threatened Teamsters strike.
- Successfully managed a communication campaign and defeated a union election on behalf of a Minnesota telecommunication company.
- Obtained numerous merit dismissals of unfair-labor-practice charges before the National Labor Relations Board.
- Regularly advise clients with unionized workforces on discipline and termination under their respective collective bargaining agreements.

#### **Wage-and-Hour**

- *Olukayode v. UnitedHealth*, Obtained denial of conditional certification in an independent-contractor misclassification case involving at-the-elbow consultants. This matter is still in litigation.
- *Ahlgren v. Blazek Contracting Corp.*, opposed class certification and convinced plaintiff to dismiss class and collective allegations relating to alleged misclassification under the Motor Carrier Exemption; settled individual claims for nuisance value.
- *Summitt v. Superior Concepts.*, successfully limited class allegations and relief in tip pooling case; this matter is still in litigation.
- *Cross v. Rochester Home Care LLC*, convinced plaintiff to dismiss class and collective allegations relating to alleged misclassification under the home-health aid exemption; settled individual claims for nuisance value.
- *Truesdell v. Jack Links*, successfully mediated claims related to the outside sales exemption.
- *Kelly v. Killion Communication Consultants, Inc.*, successfully resolved “straight time” case.
- *Arthur Edwards v. Central State Logistics*, successfully resolved arbitration over independent-contractor misclassification.

#### **Whistleblower**

- *Nelson v. Sanford Brown*, successfully briefed False Claims Act case before the U.S. Supreme Court, obtained reversal of 7th Circuit Court of Appeals.
- *Lynch v. Union Pacific Railroad Company*, successfully resolved retaliation claims under the Federal Railroad Safety Act.

- *Berg v. Orthology, Inc.*, successfully resolved retaliation claims under the Minnesota Whistleblower Act for nuisance value.

## Discrimination

- *Cruse v. Catholic Charities*, successfully resolved delicate case involving allegations of sexual harassment and assault.
- *Camp v. Northpoint Inc.*, successfully resolved claims of sexual assault and negligence.
- *McCrary v. UPS*, successfully settled race discrimination case for nuisance value.
- *Dombeck v. National Marrow Donor Program*, successfully settled disability discrimination case for nuisance value.
- Nationwide practice of representing companies at local, state, and federal agencies, including the EEOC, OSHA, and the DOL.

## Business Litigation

- *OneWest Bank v. Harding Hotels*, obtained a temporary restraining order to prevent foreclosure and receivership of client's hotel.
- *Bank of the West v. BXW Electrical Rebuilders, Inc.*, obtained summary judgment for client in lien foreclosure case.
- *Rivera v. Tenet Hospitals Limited*, successfully maintained dismissal of medical malpractice suit before the Texas Supreme Court under a theory of statute of repose.
- *Holmes v. Texas Mutual Insurance Company*, sustained summary judgment on appeal of workers compensation case.
- *Roberts v. Wells Fargo Bank., N.A.*, successfully defended summary judgment in appeal of a wrongful foreclosure case.
- *Macias v. Good Times Stores, Inc.*, obtained reinstatement of arbitrator's decision on appeal, in reversal of the trial court.

## Recognition & Honors

- Leadership Council on Legal Diversity (LCLD) Fellow, 2021

## Publications and Presentations

- "Elements of Privilege: A Communication," Minnesota CLE, Attorney-Client Privilege: What Every Attorney Needs to Know, August 30, 2018
- Deskbook chapter: "Elements of Privilege: A Communication," *Attorney-Client Privilege Deskbook* (2018), Minnesota CLE
- "To Move or Not to Move," Summary Judgment Bootcamp, National Employment Lawyers Association, October 2016
- "The Sunshine Report," Minnesota National Employment Lawyers Association, December 2014
- *The Proposed Anti-Gay Marriage Amendment: The Constitution, the Law of Standing, and Liberal-Democratic Values*, Volume 17 of Law Sexuality, Tulane Law School (2008), co-authored with Dr. Robert Pallitto

## Professional Associations

- American Bar Association, Labor and Employment Law Section
  - ◆ Committee Member, ABA Practice and Procedure Under the NLRA
- Minnesota Bar Association, Labor and Employment Law Section