



## **Matthew R. Simpson**

***Partner***

Atlanta

t: 404.240.4221

f: 404.240.4249

Email



### ***Service Focus***

- Class and Collective Actions
- Counseling and Advice
- Employment Discrimination and Harassment
- FCRA and Background Screening
- Labor Relations
- Litigation and Trials
- Wage and Hour

### ***Industry Focus***

- Automotive Dealership
- Education
- Energy
- K-12 Institutions

### ***Overview***

Matt Simpson is a partner in the firm's Atlanta office. He represents management in all areas of labor and employment law in state and federal courts as well as before state and federal agencies, including the Equal Employment Opportunity Commission and the United States Department of Labor. He is also the co-chair of the Automobile Dealers Industry Group.

### **Class and Collective Action Employment Litigation**

Matt's litigation practice is focused on the defense of class and collective actions. He has handled numerous collective actions involving claims for unpaid wages pursuant to the Fair Labor Standards Act (FLSA), and represents both employers and consumer reporting agencies in class actions brought under the Fair Credit Reporting Act (FCRA). His class and collective action experience includes:

- Defeating class certification in FCRA class action against consumer reporting agency alleging reporting of inaccurate background information on behalf of approximately 14,000 potential class members;
- Representation of national retail employer in FCRA class action alleging failure to provide stand-alone disclosures on behalf of approximately 3,500 potential class members;
- Representation of employer in multi-state FLSA and state law class and collective action alleging off-the-clock work on behalf of more than 1,500 opt-in class members;
- Representation of call center employer in multi-state FLSA and state law class and collective action alleging off-the-clock work on behalf of more than 900 opt-in employees; and
- Representation of Fortune 500 company in FLSA and state law class and collective action alleging misclassification of highly compensated white collar employees claiming multi-million dollars in back wage liability.

Matt also defends employers against single and multi-plaintiff claims of discrimination, harassment, retaliation, and wrongful termination brought under various federal and state laws.

### **Human Resources Advice and Counseling**

In addition to his litigation practice, Matt regularly counsels employers and their managers on "preventive" employee relations. This includes advice on employee background screening and selection, drug and alcohol testing, wage and hour compliance, harassment investigations, and disciplinary strategies. Matt drafts employment applications, employee handbooks, arbitration agreements, confidentiality agreements, and non-compete, non-solicitation, and severance agreements. He conducts regular employment and wage-hour assessments, as well as management training, for his clients to ensure that they continue to comply with changing laws and regulations.

### **Representative Clients and Industry Knowledge**

Matt is a member of the firm's Dealership and Education Practice Groups, where he works regularly with his auto dealer and school clients to provide practical solutions to day-to-day employment issues. In addition, Matt routinely represents employers in the background check services, call center, hospitality, retail, and recruiting/staffing industries in single and multi-plaintiff litigation in both state and federal courts.

### ***Recent Experience***

#### **Experience**

- Denial of class certification in FCRA class action alleging reporting of inaccurate background information on behalf of approximately 14,000 potential class members;
- Representation in multi-state FLSA collective action alleging off-the-clock work on behalf of approximately 750 opt-in call center employees;

- Representation in FLSA collective action alleging off-the-clock work on behalf of approximately 60 opt-in call center employees;
- Representation in FLSA collective action alleging unlawful application of fluctuating workweek pay plan on behalf of approximately 75 opt-in employees;
- Representation in FLSA collective action alleging claims in both federal court and arbitration for misclassification of independent contractors;
- Representation in FCRA class action alleging reporting of outdated background information on behalf of approximately 3,000 class members;
- Representation in multi-state FLSA and state law class and collective action alleging off-the-clock work on behalf of more than 900 opt-in call center employees;
- Representation in FLSA and state law class and collective action alleging misclassification of highly compensated white collar employees claiming multi-million dollars in back wage liability; and
- Representation in FLSA collective action alleging improper use of tip credit.

## ***Credentials***

### **Education**

- J.D., with honors, Emory University School of Law
- B.A., cum laude, Texas Christian University

### **Bar Admissions**

- Georgia

### **Court Admissions**

- Georgia Court of Appeals
- Georgia Supreme Court
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Southern District of Georgia

## ***Recognitions***

- Recognized in *The Best Lawyers in America* (2023 - 2025)
- Georgia State Bar Labor and Employment Law Recipient (2007)
- *Georgia Super Lawyers - Rising Star* since 2011

- Top Attorneys Under 40
- *Law360* Rising Star

## ***Affiliations***

### **Professional Activities**

Matt is the past Chair of the State Bar of Georgia's Labor and Employment Law Section and currently sits on the Board of the Section's Mentorship Academy. He is a past recipient of the State Bar of Georgia Labor and Employment Award and *Law360* Rising Star award, and has been listed in each edition of *Georgia Super Lawyers – Rising Stars* from 2011 to the Present.

Matt also serves on the Board of Directors for the Piedmont Park Conservancy, and on the Board of Trustees for Cristo Rey Jesuit High School and Turning Pointe Autism Foundation.

## ***Insights***

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INSIGHTS

02/12/25

### **The Auto Dealer's Guide to FLSA Exemptions: An Inventory of Commonly Used Categories + Your Maintenance Plan to Stay Compliant**

Christopher C. Hoffman, Matthew R. Simpson

[Read more →](#)

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EVENT

11/19/24

### **A Dealership Crash Course in Minimum Wage and Overtime Exemptions**

Matthew R. Simpson, Christopher C. Hoffman

[Read more →](#)

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INSIGHTS

09/16/24

### **FP Dealership Update: Is it Time For a Trade-In of Your Employee Handbook?**

Tillman Y. Coffey, Matthew R. Simpson

[Read more →](#)

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INSIGHTS

06/28/24

### **What Dealers Should Do About the CDK Cyberattack**

Christopher C. Hoffman, Matthew R. Simpson

[Read more →](#)

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INSIGHTS

12/01/23

### **FP's Workplace Law Forecast 2024**

Cheryl L. Behymer, Steven M. Bernstein, Sheldon J. Blumling, Risa B. Boerner, Colin P. Calvert, Kathleen McLeod Caminiti, Jocelyn Campanaro, Jennifer B. Carroll, Collin D. Cook, Laurel K. Cornell, Germán de la Garza De Vecchi, Michael P. Elkon, Todd Alan Ewan, Todd A. Fredrickson, Christopher C. Hoffman, David S. Jones, Usama Kahf, Karl R. Lindegren, Todd B. Logsdon, Todd A. Lyon, Michael R. Marra, Suzanne Kelly Michael, Michael S. Mitchell, Joshua D. Nadreau, Kristen J. Nesbit, Alden J. Parker, Cheryl Pinarchick, John M. Polson, Andrea Brizio Rivas, Andria Lure Ryan, Nan Sato, Todd B. Scherwin, Matthew R. Simpson, Adam F. Sloustcher, Kristin L. Smith, Shanon R. Stevenson, Hannah Sweiss, J. Hagood Tighe, Travis Vance, David J. Walton, Sheila M. Abron, Erica G. Wilson, William D. Wright, Robert Yonowitz

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NEWS

04/27/23

## Matthew Simpson Named to Leadership Atlanta Class of 2024

Matthew R. Simpson

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INSIGHTS

11/08/22

## Does Your Dealership Arbitrate? Recent Developments in Workplace Arbitration Agreements

Matthew R. Simpson

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INSIGHTS

08/01/22

## FP Auto Dealer Snapshot Takes Deeper Dive into Industry Attitudes Related to Economic Uncertainty

Christopher C. Hoffman, Matthew R. Simpson

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INSIGHTS

04/26/22

## FP Forecast: April 2022 Edition

Sheldon J. Blumling, Suzanne K. Bogdan, Myra K. Creighton, Matthew R. Simpson, Megan C. Winter

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INSIGHTS

02/01/22

## The Supreme Court Sends OSHA's Vaccine ETS Back to the Shop

Matthew R. Simpson

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