

## **James Sullivan**

### ***Partner***

Kansas City

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### ***Service Focus***

- Class and Collective Actions
- Employment Discrimination and Harassment
- Litigation and Trials
- Wage and Hour

### ***Industry Focus***

- Transportation and Supply Chain
- Trucking

### ***Overview***

Jim Sullivan devotes his practice to defending employers against claims that could significantly impact their businesses. He focuses his practice on the defense and trial of a wide variety of employment claims, including:

- Discrimination claims
- Wrongful termination claims
- Fair Labor Standards Act and other wage claims
- Restrictive covenant and trade secrets claims
- Transportation worker issues
- Employment Contract Disputes

Jim has also successfully represented employers in state and federal courts across the nation, defeating attempts to certify employment claims as class or collective actions. In addition to large complex litigation, he has successfully tried claims alleging sexual harassment, race

discrimination, age discrimination, and breach of employment agreements, including restrictive covenant issues.

## ***Recent Experience***

### **Experience**

- Successfully defended large community-based hospital against claims by former senior executive who claimed age and gender discrimination in regard to her termination and compensation. The case was tried in the Circuit Court of Buchanan County, Missouri, where the jury rendered a unanimous verdict in favor of the hospital.
- Defended a large interstate motor carrier against class action of over 100,000 current and former truck drivers on claims that motor carrier improperly calculated driver compensation. Trial court granted class certification but after additional discovery, the trial court entered summary judgment in favor of motor carrier and decertified the class. The judgment was affirmed on appeal.
- Successfully defended wheel manufacturers against claims by a former employee of gender discrimination. The case was tried before the United States District Court for the Western District of Missouri, where the jury found in client's favor. The plaintiff did not appeal.
- Successfully defended an interstate motor carrier against class action claims by owner-operator truck drivers who claimed that motor carrier improperly calculated driver compensation and violated FMCSA truth-in-leasing regulations. Trial court denied plaintiffs' motion for class certification and granted summary judgment on all of plaintiffs' substantive claims for monetary and injunctive relief. Plaintiff appealed to the U.S. Court of Appeals for the Ninth Circuit, which affirmed in total the rulings of the district court.
- Defended a large interstate motor carrier against class action claims by employee truck drivers who claimed that defendant improperly calculated the drivers' pay. The trial court denied plaintiffs' motion for class certification. Case settled favorably for client after denial of class certification.
- Successfully defended a mortgage brokerage company against claims of age discrimination and retaliation, and successfully upheld trial court's ruling before the U.S. Court of Appeals for the 11th Circuit.
- Co-counsel in the defense of an interstate motor carrier against claims of a proposed class of owner-operator truck drivers who claimed that motor carrier improperly calculated driver compensation and violated the FMCSA truth-in-leasing regulations. Trial court denied plaintiffs' motion for class certification. Case settled on terms favorable to client after denial of class certification.
- Successfully defended the Kansas City, Missouri Police Department against claims of age and sex discrimination and retaliation, and successfully upheld the trial court's findings before the U.S. Court of Appeals for the Eighth Circuit.

- Successfully defended a motor carrier and affiliated equipment leasing company against claims of a proposed class of owner-operator truck drivers who claimed that the motor carrier improperly calculated driver compensation and violated the FMCSA truth-in-leasing regulations. The American Arbitration Association Panel denied claimants' motion for class certification. Case settled on terms favorable to client after denial of class certification.
- Defended a motor carrier against claims by three female drivers that they were sexually harassed by their male co-drivers. Jury returned a verdict in favor of motor carrier on two of the three female drivers and returned a verdict of \$70,000 for one plaintiff.
- Defended an interstate motor carrier against claims of a proposed class of owner-operator truck drivers who claimed that motor carrier improperly calculated driver compensation and violated FMCSA truth-in-leasing regulations. Trial court denied plaintiffs' motion for class certification and granted summary judgment on all of plaintiffs' substantive claims. The trial court's rulings were successfully upheld on appeal to the U.S. Court of Appeals for the Eighth Circuit.
- Successfully defended an interstate motor carrier against claims of a proposed class of owner-operator truck drivers who claimed that they should have been classified as employees rather than independent contractors. The trial court denied plaintiffs' motion for class certification. Case settled favorably for client after denial of class certification.
- Defeated a plaintiffs' motion for class certification of current and former employees, alleging racial discrimination including hostile work environment, promotions, and retaliation.
- Successfully defended a large steel manufacturer against claims of age discrimination and retaliation.
- Defended a local utility company in race discrimination, hostile work environment, and retaliation claims. Jury returned a verdict for plaintiff of \$45,000, where last settlement demand was \$700,000.
- Defended a subsidiary of major utility company against claims by former president of breach of employment contract and negligent misrepresentation. Judgment of the trial court was affirmed by the U.S. Court of Appeals for the Eighth Circuit.

## ***Credentials***

### **Education**

- J.D., 1990, University of Missouri-Kansas City School of Law
- B.S., 1987, University of Kansas

### **Bar Admissions**

- Missouri

### **Court Admissions**

- Missouri Court of Appeals

- Missouri Supreme Court
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the District of Kansas
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Eastern District of Arkansas
- U.S. District Court for the Western District of Arkansas

### ***Recognitions***

- Recognized in *The Best Lawyers in America* (2010-2025)
- "Labor & Employment Star" recognition by *Benchmark Litigation* (2023)
- "Local Litigation Star" recognition by *Benchmark Litigation* (2011-2023)
- Recommended as a leading practitioner for Labor and Employment Disputes: Defense by *The Legal 500 United States* (2021)
- Martindale-Hubbell AV Preeminent™ Rated
- Selected for inclusion in "Rising Star" by *Benchmark Litigation* (2009-2010)
- Kansas City Tomorrow (KCT) leadership program graduate, Civic Council of Greater Kansas City
- Trial Academy of the Missouri Organization of Defense Lawyers, Class of 1994
- Trial Academy of the International Association of Defense Counsel, Class of 1996

### ***Affiliations***

#### **Professional Activities**

- Member, Kansas City Metropolitan Bar Association
  - Former Chair – Employment Law Section
- Kansas City Tomorrow Class XX (Civic Council of Greater Kansas City leadership program)

### ***Insights***

NEWS

10/03/22

## **Fisher Phillips Recognized by Benchmark Litigation 2023**

Barbara Jean D'Aquila, Joseph W. Ambash, Steven M. Bernstein, Todd A. Fredrickson, Lonnie D. Giamela, Rosemary S. Gousman, Karl R. Lindegren, Kathleen McLeod Caminiti, Stephen C. Mitchell, Sarah Moffett, Kristen J. Nesbit, Regina A. Petty, Timothy H. Scott, Christopher P. Stief, James Sullivan, J. Hagood Tighe, Teresa Valderrama

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NEWS

07/01/21

## Fisher Phillips Recognized Among Top Law Firms in U.S. by The Legal 500

Davis C. Bae, Jessica T. Cook, David S. Jones, Angelica M. Ochoa, Shanon R. Stevenson, Joseph W. Ambash, Michelle I. Anderson, Clarence M. Belnavis, Christopher J. Boman, Kathleen McLeod Caminiti, Daniel E. Farrington, Jeffrey A. Fritz, Raymond C. Haley III, Danielle Hultenius Moore, Kristen J. Nesbit, Roger K. Quillen, Todd B. Scherwin, Terri R. Stewart, James Sullivan, Teresa Valderrama

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NEWS

08/20/20

## Fisher Phillips Attorneys Receive Top Honors in Best Lawyers in America®

Michael V. Abcarian, Stephanie R. Alexander, William E. Altman, Christopher Alvarez, Joseph W. Ambash, Craig R. Annunziata, Davis C. Bae, Gregory D. Ballew, Kelsey E. Schiappacasse, Cheryl L. Behymer, Clarence M. Belnavis, Steven M. Bernstein, Suzanne K. Bogdan, D. Albert Brannen, Kathleen McLeod Caminiti, Jocelyn Campanaro, Christopher J. Capone, Michael D. Carrouth, Charles S. Caulkins, Lyle M. Chan, J. Randall Coffey, Theresa M. Connolly, Laurel K. Cornell, Steven R. Cupp, Kevin J. Dalton, J. Micah Dickie, Burton F. Dodd, David B. Dornak, Benjamin Dudek, Todd Alan Ewan, Daniel E. Farrington, Brian J. Finucane, Todd A. Fredrickson, Andrew Froman, Joseph W. Gagnon, Brian J. Gershengorn, Lauren G. Goetzl, Rosemary S. Gousman, Michael R. Greco, Paul Greco, Rick Grimaldi, Greg Grisham, Lori A. Guner, Raymond C. Haley III, Edward F. Harold, JonVieve D. Hill, Christopher C. Hoffman, James R. Holland II, Christine E. Howard, Clyde H. Jacob III, David S. Jones, Matthew R. Korn, Danielle Krauthamer Zobel, Edwina C. Kye, Arthur V. Lambert, Terry E. Lardakis, Aymara Ledezma, Courtney Leyes, Karl R. Lindegren, Steven M. Loewengart, Reyburn W. Lominack III, Nathan K. Low, Darin L. Mackender, Scott M. Mahoney, Jeffrey E. Mandel, C. F. W. Manning II, Howard A. Mavity, James J. McDonald Jr., Phillips L. McWilliams, Richard A. Millisor, Stephen C. Mitchell, Danielle Hultenius Moore, R. Henry Moore, Timothy J. Murphy, Gregory V. Murray, Warren L. Nelson, Steven M. Nobil, Daniel P. O'Brien, James Patrick, Jonathan P. Pearson, Regina A. Petty, Ann Margaret Pointer, James C. Polkinghorn, John M. Polson, Keith M. Pyburn Jr., Roger K. Quillen, Melody L. Rayl, Thomas Paul Rebel, Mark J. Ricciardi, Ashton M. Riley, Stephen J. Roppolo, Jeffrey A. Savarise, Susan M. Schaecher, Cheryl L. Schreck, David E. Schreiner, Stephen Scott, Timothy H. Scott, Joseph P. Shelton, Craig P. Siegenthaler, Jeffrey D. Smith, John W. Stapleton, Shanon R. Stevenson, Terri R. Stewart, Christopher P. Stief, Cathy M. Stutin, Douglas R. Sullenberger, James Sullivan, Martin F. Thompson, Megan Reese U'Sellis, Pavneet Singh Uppal, Teresa Valderrama, Joshua H. Viau, Timothy J. Weatherholt, Jeff Weintraub, Alexander A. Wheatley, Benton N. Wood, Robert Yonowitz, George D. Adams, Richard R. Meneghello, Hannah Sweiss, Robert M. Robenalt, Todd A. Lyon, Todd B. Logsdon, J. Hagood Tighe, Danielle S. Urban, Sheila M. Abron, Kristin R.B. White, Michelle I. Anderson

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INSIGHTS

07/31/20

## July 2020: The Top 17 Labor And Employment Law Stories

Craig R. Annunziata, Suzanne K. Bogdan, Myra K. Creighton, Patrick W. Dennison, Benjamin Dudek, Scott Fanning, Nicholas S. Hulse, Nicole Kamm, Lorie Maring, Richard R. Meneghello, Kristin L. Smith, James Sullivan, Hannah Sweiss, Alexander A. Wheatley, Sheila M. Abron, Megan C. Winter, Franklin Z. Wolf

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NEWS

07/25/20

## **Partner Shares Insights for Employers Seeking to Compel Arbitration**

James Sullivan

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PUBLICATION

07/22/20

## **What New Jersey Employers Need to Know about Enforceability of Arbitration Agreements**

James Sullivan

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INSIGHTS

07/17/20

## **Transportation Arbitration Agreements Ruled Enforceable Under New Jersey's Arbitration Act Despite U.S. Supreme Court Ruling**

James Sullivan

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INSIGHTS

07/02/20

## **June 2020: The Top 21 Labor And Employment Law Stories**

Joseph W. Ambash, Michelle I. Anderson, Davis C. Bae, Steven M. Bernstein, Jessica D. Causgrove, J. Randall Coffey, Jessica T. Cook, Patrick W. Dennison, J. Micah Dickie, Michael P. Elkon, Jason A. Geller, Lauren G. Goetzl, Rick Grimaldi, Darcey M. Groden, Nicholas S. Hulse, David Klass, Todd B. Logsdon, Howard A. Mavity, Richard R. Meneghello, Shanon R. Stevenson, James Sullivan, Megan E. Walker, Kristin R.B. White, Sarah Wieselthier, Franklin Z. Wolf, Cynthia J. Yarbrough

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INSIGHTS

06/05/20

## **Missouri Raises Bar For Pleading And Proving Punitive Damages, Including In Employment Claims**

James Sullivan

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NEWS

03/24/20

## **Fisher Phillips Rapidly Launches Essential Business Task Force to Advise Employers Facing a Proliferation of COVID-19 'Shelter-in-Place' Orders**

Theresa M. Connolly, Collin D. Cook, Michael P. Elkon, Paul Greco, Howard A. Mavity, Cheryl Pinarchick, Roger K. Quillen, James Sullivan

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