

## ERISA

In recent years, the number of ERISA claims has been on the rise. Having navigated the ins and outs of ERISA for decades, our attorneys understand this complex statute. We represent employers, plan administrators, claims administrators, insurers and benefit plans against claims brought under ERISA. Our ERISA Litigation Defense team handles all types of breach of fiduciary duty, prohibited transaction and denial of benefits disputes, from individualized benefit claims for long term disability, severance, health insurance or other benefits to class action claims.

## EMPLOYMENT & LABOR

MWH has seasoned trial attorneys who have successfully defended major corporations in litigation by obtaining summary judgments, directed verdicts and defense verdicts at trial. MWH attorneys defend against claims brought pursuant to ADA, ADEA, ERISA, FLSA, FMLA, Title VII, the WARN Act and related state and local anti-discrimination laws. In addition, MWH attorneys have a strong record of success in resolving disputes involving trade-secret and non-compete agreement litigation, traditional labor disputes, fiduciary duty and whistleblower retaliation claims. Our deep bench of attorneys allows MWH to provide clients with the knowledge and expertise to navigate litigation, manage risk and win at trial.

In this day and age, clients often opt for a form of alternative dispute resolution (ADR) to resolve a dispute. MWH attorneys have extensive experience with arbitration, mediation and other ADR methods. MWH attorneys help clients evaluate options to select the best form of ADR for the situation. We draft and enforce arbitration clauses.

We understand the value of being proactive. MWH attorneys advise employers on affirmative action compliance, manage OFCCP audits and internal complaint investigations. We counsel and assist employers in developing employee handbooks that contain clear, defensible policies and procedures. MWH attorneys provide onsite training tailored to our clients' business needs.

MWH attorneys are available to provide advice and counsel on the daily employment issues that arise. Our attorneys use their wealth of expertise to help clients make decisions that help them avoid litigation.

## SCOPE OF SERVICES

- American with Disabilities Act (ADA)
- Age Discrimination in Employment (ADEA)
- Employment Retirement Income Security Act (ERISA)
- Fair Labor Standards Act (FLSA)
- Federal and Medical Leave Act (FMLA)
- Title VII/State Law – Discrimination, Harassment & Retaliation
- Employee Benefits
- Employment Contracts & Termination
- Executive Compensation
- Non-Compete Agreements
- Reduction-in-Force
- Wrongful Termination

## REPRESENTATIVE EXPERIENCE

- Obtained summary judgment at the U.S. District Court level, affirmed by the 7th Circuit Court of Appeals on behalf of insurer relating to employee's claim contesting the denial of her long term disability benefits.
- Obtained summary judgment in favor of insurer relating to employee's claim contesting the denial of her long term disability benefits.
- Obtained summary judgment at the U.S. District Court level, affirmed by the 8th Circuit Court of Appeals on behalf of plan administrator relating to employee's claims of improper processing / denial of health insurance claims.
- Successfully represented a major auto parts retailer where the Equal Employment Opportunity Commission (EEOC) filed suit in the United States District Court for the Eastern District of Wisconsin alleging that the Defendants violated Title I of the Americans with Disabilities Act by denying a former employee a reasonable accommodation and terminating her employment.
- Won jury trial involving a litigious former employee of a Fortune 500 Energy Company, who sued our client five times. In this lawsuit, Plaintiff claimed a breach of prior settlement agreement, asserting claims of retaliation, defamation, and emotional distress. The entire matter was initially dismissed during summary judgment.
- Defended national insurance company against a Plaintiff who filed claims of sex, pregnancy and nursing discrimination along with violations of the Break Time for Nursing Mothers provision of the Fair Labor Standards Act.



**KERRIE M. MURPHY**  
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### BIOGRAPHY

Kerrie M. Murphy is an experienced trial attorney. Over the past 25 years, Mrs. Murphy has represented corporate clients in state and federal courts as well as before various administrative agencies. Mrs. Murphy practices in all areas of labor and employment including ERISA, ADA, ADEA, FMLA, FLSA, discrimination, harassment, retaliation, wrongful termination and workers compensation. Mrs. Murphy has brought numerous matters to successful completion through summary judgment. She has successfully tried numerous cases before juries as well as to the bench.

Mrs. Murphy also provides advice and counsel to her clients on the multitude of issues that employers confront on a frequent basis including but not limited to employee performance, incidents that require discipline or discharge, accommodation and leave related issues.



**EMERY K. HARLAN**  
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### BIOGRAPHY

Emery K. Harlan has more than 25 years' experience as a trial lawyer representing clients from a broad array of industries in complex ERISA, labor and employment matters. His practice includes an emphasis on defending companies and governmental entities in high profile, aggravated discrimination matters. Throughout his career, Mr. Harlan has served as a leader in promoting greater diversity and inclusion in the legal profession.

Mr. Harlan has served as national employment law counsel to numerous companies, including a major airline. He currently serves as the Firm's relationship partner to a host of major corporations, including one of world's leading technology companies.



**WARREN E. BULIOX**  
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### BIOGRAPHY

Warren E. Buliox has extensive experience representing and counseling small and large businesses (including Fortune 50, 100, and 500 Corporations). He has provided counsel and representation to companies on civil rights matters as well as developing creative and proactive solutions to eliminating or reducing risks.

He has defended or provided counsel on claims involving ERISA, allegations of race and color discrimination, sex discrimination, age discrimination, religious discrimination, disability discrimination, arrest and conviction record discrimination, and disparate impact discrimination based on credit history and incarceration rates/stats.



**JULIE T. BITTNER**  
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**B I O G R A P H Y**

Julie T. Bittner routinely counsels employers about their employment practices, including employee handbooks, contracts, policies and procedures. She conducts complex internal investigations and provides training and counsel on a wide spectrum of issues involving state and federal employment laws including specifically workplace diversity and inclusion.

Ms. Bittner litigates as lead counsel with respect to employment and general civil litigation matters. She has employment experience in the defense of discrimination, harassment, retaliation and wrongful termination claims brought at the administrative level, as well as in state and federal court.



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**B I O G R A P H Y**

Carlos R. Pastrana practices in all areas of labor and employment law, including matters involving discrimination, retaliation, sexual harassment, FMLA, wrongful termination, labor relations, unfair labor practices, unemployment insurance, workers compensation, workplace safety, and Federal contractor issues.

Mr. Pastrana has litigated before both Istate and federal courts and administrative agencies. Fully bilingual, Mr. Pastrana has also advised and trained local, national, and international private- and public-sector employers with both English- and Spanish-speaking unionized and non-unionized workforces on how to manage employees.



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**B I O G R A P H Y**

Nelson W. Phillips III has experience in all areas of labor and employment law including the defense of claims involving discrimination, harassment, retaliation and wrongful termination.

Mr. Phillips has extensive experience as a trial attorney having spent over nine years as a federal and state prosecutor in both the United States Attorney's Office for the Eastern District of Wisconsin and the Milwaukee County District Attorney's Office where he litigated numerous cases before the Wisconsin Federal District and State Circuit Courts. Mr. Phillips also brings the perspective of the bench to his cases he handles having served as a Milwaukee County Circuit Court Judge.



**MOYENDA M. KNAPP**  
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**B I O G R A P H Y**

Moyenda Mutharika Knapp is an experienced trial attorney. For over 25 years, she has represented corporate clients on a wide range of complex employment litigation involving ERISA, ADA, FMLA, discrimination, harassment, retaliation and wrongful termination.

Mrs. Knapp has litigated employment claims at all levels including administrative agencies as well as state, federal and appellate courts. Mrs. Knapp has also brought numerous matters to successful completion through dispositive motions. In addition to her litigation practice, Mrs. Knapp provides advice and counsel to employers regarding daily employment issues that arise and can also provide employment related training to corporate employees and management.



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**B I O G R A P H Y**

Patrice B. Borders has over 20 years' experience in developing innovative human resources, employment law and human capital consulting. Her specialties include counseling individuals, collaborative teams, and organizations on developing high performers. She has conducted internal investigations, delivered keynotes, developed and facilitated group and one-on-one anti-harassment trainings, and consulting.

Ms. Borders served as a senior consultant with the nation's largest diversity and inclusion training and consulting firm, where she created a workplace protocol suite of customizable training and coaching experiences.



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**B I O G R A P H Y**

Karma S. Rodgers has provided extensive advice and counsel in a wide range of legal matters including contract negotiation, arbitration, unemployment, employment discrimination and wrongful termination claims. She has advised and assisted clients with developing human resource policy manuals, discipline and discharge decisions, formulation and implementation with various types of employment policies.

Ms. Rodgers has conducted management seminars on legal implications of employment and management issues. She has extensive trial experience in civil litigation, especially in employment law and contract disputes.