



## LAURA E. O'DONNELL

Partner

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**PRACTICES:** Labor and Employment, Wage and Hour Litigation, Employment Litigation, False Claims Act, Qui Tam and Litigation, Class Action Defense, Energy, Power and Natural Resources, Finance, Healthcare Transactions and Regulatory; **INDUSTRIES:** Hospitality; **TRENDING ISSUES:** Coronavirus COVID-19

### SAN ANTONIO

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### EDUCATION AND CLERKSHIPS

- J.D., Baylor University School of Law, 1996, Presidential Scholarship Recipient; Member, *Baylor Law Review*
- B.A., Trinity University, 1993

### ADMISSIONS

- Texas

### COURT ADMISSIONS

- United States Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- Texas Supreme Court
- U.S. District Court for the Eastern District of Texas

Laura O'Donnell is dedicated to client service. She is a strong advocate and a trusted business partner.

Laura is co-chair of the firm's Litigation Practice Group and heads the firm's Wage and Hour Litigation group. Laura is board certified in labor and employment law by the Texas Board of Legal Specialization. Her practice includes employment litigation throughout Texas, client counseling, executive investigations, executive agreements, nationwide employment-law compliance projects, and employment aspects of M&A and other corporate transactions.

On the litigation front, Laura focuses on the defense of FLSA collective actions, but Laura also regularly defends employers against a multitude of employment-related claims. Laura has handled several appeals of employment decisions to Texas Courts of Appeal, the Fifth Circuit Court of Appeals and the United States Supreme Court.

Laura was named "2018 Lawyer of the Year" and "2016 Lawyer of the Year" for labor and employment litigation in San Antonio and *Best Lawyers*, Woodward/White, Inc., has recognized Laura since 2011. Laura was recognized in *Chambers USA*, Chambers and Partners, for labor and employment in Texas, 2017-2020, and *Chambers USA* previously identified Laura as an "Up and Coming Leading Business Lawyer" from 2005 through 2009. She has been recognized by *Texas Super Lawyers*, Thomson Reuters, from 2010-2019, and as a *Texas Super Lawyer Rising Star*, from 2004-2010. Laura is listed as an AV Preeminent Lawyer by Martindale Hubbell Law Directory and received the *San Antonio Business Journal*, American City Business Journals, "40 Under 40 Rising Stars" award in 2006. Additionally, she was recognized as a Standout Lawyer, Acritas Stars, 2018-2020. In 2019, *Benchmark Litigation* by Euromoney Institutional Investor PLC named her a "Labor & Employment Star – South." Laura was named among the Best San Antonio Lawyers in 2020 by *San Antonio Scene Magazine*.

### Selected Client Representations

- Order adopting Magistrate Judge recommendation to dismiss national original discrimination claim under Rule 12(b)(6). *De La Vega v. USAA Real Estate Company*, No. 5-19-cv-00568, 2019 WL 5847853 (Nov. 7, 2019), report and recommendation adopted by Order dated December 17, 2019.
- Arbitration Award granting take-nothing judgment on FLSA claims for unpaid overtime

- U.S. District Court for the Northern District of Texas
  - U.S. District Court for the Southern District of Texas
  - U.S. District Court for the Western District of Texas
- and retaliation in first of 30 related arbitration claims. *Danny Butler v. Texas Oilfield Services, LLC, et. al.*, American Arbitration Association Case No. 01-17-0006-3688 (AAA Houston, Texas 2019), confirmed and final judgment entered in *Danny Butler, Individually and on Behalf of Others Similarly Situated v. TFS Oilfield Services, LLC, et. al.*, No. SA-16-CA-1150-FB (W. D. Texas San Antonio 2019).
  - Order granting complete summary judgment on claims of national origin discrimination and hostile work environment, retaliation, disability discrimination and failure to accommodate, FMLA interference and retaliation and wrongful discharge/ breach of contract. *Leal v. Sinclair Broadcasting Group, et. al.*, No. 1:16-CV-679-DAE (W.D. Texas Austin 2019).
  - Order granting Motion to Compel Arbitration and dismissing case with prejudice, Fifth Circuit decision affirming district court order and U.S. Supreme Court petition for writ of certiorari denied. *Clack vs. United Services Automobile Association (USAA)*, No. 5:16-cv-01069 (W.D. Texas San Antonio 2017); No. 17-50827b (5th Cir. 2018); No. 18-159 (US 2018).
  - Order granting Motion to Compel Arbitration of purported FLSA Collective Action. *Johns v. Pluckers, et. al.*, No. 01:17-0006-2235 (W.D. Texas Austin 2017).
  - Order granting Motion to Compel Arbitration of FLSA claims and dismissing case with prejudice. *Helms, Tindell & David v. Pioneer Energy Services Corp.*, No. 5:15-cv-00928-RCL (W.D. Texas San Antonio 2016).
  - Order granting a Rule 12(b)(6) partial dismissal of several parties and one claim. *Leal v. Sinclair Broadcasting Group, et. al.*, No. A-16-CV-679-LY (W.D. Texas Austin 2016).
  - Defense Award, including assessment of attorneys' fees and costs against claimant, on executive claims for breach of contract and FLSA retaliation, arbitrated in Dallas, Texas. *Nancy J. Clark v. Fiesta Restaurant Group, Inc.*, JAMS No. 1440004061 (2015).
  - Order denying the majority of EEOC's Application to Enforce Administrative Subpoena, *Equal Employment Opportunity Commission v. A'GACI, LLC*, No. 14-MC-445-DAE (W.D. Texas San Antonio 2015)
  - Order that plaintiff failed to meet his burden for conditional certification on FLSA claims. *Ramirez, individually and on behalf of all other persons similarly situated, v. Berks Warehousing & Trucking Corp.*, No. 12-1995 (FLW) (DEA), (D.N.J. 2014).
  - Summary judgment for national retailer on claims of hostile work environment and quid pro quo sexual harassment and retaliation in Comal County, Texas. *Jordan Seibert v. The Scooter Store, Ltd., et. al.*, No. C2011-172A (2012).
  - Austin Court of Appeals decision reversing a jury verdict and holding that there was insufficient evidence of hostile work environment sexual harassment to submit claim to jury. *Twigland Fashions, Ltd. v. Miller*, 2010 WL 850170 (Tex. App.-Austin March 11, 2010, no pet.).
  - Defense award in a hostile work environment and quid pro quo sexual harassment claim against a regional restaurant chain, arbitrated in El Paso, Texas (December 2010).
  - Defense awards in two arbitrations challenging stock forfeiture provisions in national financial institution's employee incentive compensation plan, both arbitrated in Harris County, Texas (2009 and 2006).
  - Defense verdict on a quid pro quo sexual harassment claim against a national retail chain, tried to a jury in Travis County, Texas district court (2007).

- Temporary Injunction after a six-day hearing in a case alleging breach of fiduciary duty, brought by a Texas construction company against a former employee and his new employer, in Bexar County, Texas district court (2007).
- Decision denying Motion for Conditional Certification and notice and ruling FLSA in favor of regional restaurant chain *Badgett v. TexasTaco Cabana, L.P.*, 2006 U.S. Dist. LEXIS 74350 (S.D. Tex. Oct. 12, 2006).
- Ruling from the Fifth Circuit Court of Appeals upholding summary judgment on ERISA denial of benefits claim and U.S. Supreme Court denial of certiorari (2006).
- Defense verdict in a workers' compensation retaliation case against a national trucking company, tried to a jury in El Paso County, Texas district court (2001).
- Defense verdict in a sexual harassment, sex discrimination and assault case against a national bank, tried to a jury in the United States District Court for the Western District of Texas, San Antonio Division (1999).
- Ruling from the Fifth Circuit Court of Appeals that an employer-initiated arbitration agreement is enforceable and Order from the United States Supreme Court denying certiorari in the appeal of the Fifth Circuit's opinion (1998).
- Summary Judgments in cases alleging violations of the FLSA, Title VII, the Texas Commission on Human Rights Act, the ADEA, the ADA, the Texas Workers' Compensation Act, the Texas Unemployment Act, COBRA, ERISA, the DOD Whistleblower Statute and various common law claims.

### Professional Recognition

- Named a "Labor & Employment Star – South," *Benchmark Litigation*, Euromoney Institutional Investor PLC, 2019.
- Recognized as a "2018 Lawyer of the Year" by *Best Lawyers*, Woodward/White, Inc., in litigation - labor and employment, 2018
- Recognized as a leading lawyer in *Chambers USA* Chambers and Partners, for labor and employment in Texas, 2017-2020.
- Recognized as a Standout Lawyer, Acritas Stars, 2018-2020
- Recognized as a "2016 Lawyer of the Year" by *Best Lawyers*, Woodward/White, Inc., in litigation - labor and employment, 2016
- Recognized by *Texas Super Lawyers*, Thomson Reuters, 2010-2019; *Texas Super Lawyers* Rising Stars, Thomson Reuters, 2004-2010
- Recognized as one of the Top 50 Women Lawyers and Top 50 Central/West Texas Lawyers, Thomson Reuters, 2013
- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for labor and employment law, 2011; litigation - labor and employment, 2012-2020
- Listed in *Martindale Hubbell Law Directory* with a Peer Review Rating of AV Preeminent
- Recognized by *San Antonio Scene*, Scene Monthly LLC, as one of the Best San Antonio Lawyers for employment litigation defense, labor & employment, 2015, 2020
- Recognized as one of San Antonio's "40 Under 40 Rising Stars" by the *San Antonio Business Journal*, American City Business Journals, 2006
- Recognized as one of America's Up and Coming Leading Business Lawyers in

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employment law by *Chambers USA*, Chambers & Partners, 2005-2009

- Selected as the St. Paul Lutheran Child Development Center's 2006 "Teacher's Pet" based on her contributions to the Center and children in San Antonio
- Selected as the San Antonio Human Resource Management Association's "Member to Remember" for 2002 based on her contributions to the human resource community and SAHRMA

#### **Professional and Community Activities**

- Keystone School of Board of Directors member
- Texas Lutheran University Board of Regents
- National Finance Industry Employment Law Committee ("NFIELC")
- American Employment Law Council ("AELC")
- American Bar Association's Federal Labor Standards Committee
- St. Luke's Lutheran Health Ministries Board of Directors President
- Child Advocates of San Antonio (CASA) Board of Directors member and former Board of Governors member
- Clarity Child Guidance Center (formerly Southwest Mental Health Center) Board of Directors Chair from 2006-2007 and former Board member
- Texas Advocacy Project, former Board of Directors member
- St. Paul Lutheran Child Development Center, former Board of Directors member
- Leadership San Antonio Graduate, 2001-2002 Class
- San Antonio Human Resource Management Association
- American Bar Association
- Texas Bar Foundation
- San Antonio Bar Foundation
- San Antonio Bar Association
- North San Antonio Chamber of Commerce
- San Antonio Women's Chamber of Commerce
- Bexar County Women's Bar Association