



## 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, Hospitality

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Laura O'Donnell is dedicated to client service and is known as a trusted business partner and for her strong client advocacy.

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, and her practice includes employment litigation, client counseling, executive investigations, executive agreements, nationwide employment-law compliance projects, and employment aspects of M&A and other corporate transactions.

Laura's litigation work focuses on the defense of FLSA collective actions as well as defending employers against a multitude of employment-related claims, including claims involving theft of trade secrets, restrictive covenants, whistleblower retaliation, discrimination, harassment, failure to accommodate and wrongful denial of leave. Laura has also handled several appeals of employment decisions to Texas Courts of Appeal, the Fifth Circuit Court of Appeals and the United States Supreme Court.

Laura's many professional accolades include recognition in *Chambers USA*, *Chambers and Partners*, for labor and employment in Texas since 2017, as well as previous recognition by *Chambers USA* as an "Up and Coming Leading Business Lawyer." Laura was named "Lawyer of the Year" in 2016, 2018 and 2023 for labor and employment litigation in San Antonio and *Best Lawyers*, Woodward/White, Inc., has recognized Laura since 2011. Laura has also been selected for inclusion in the *Lawdragon 500* Leading U.S. Corporate Employment Lawyers listing, Lawdragon Inc. since 2021 and has been recognized by *Texas Super Lawyers*, Thomson Reuters, since 2010, 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.

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## QUALIFICATIONS

## EDUCATION

# HAYNES BOONE

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

## ADMISSIONS

- Texas

## COURT ADMISSIONS

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

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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "DOL Proposes New Rule to Increase Overtime Salary Threshold," author, Labor and Employment Client Alert, September 6, 2023.
- "Sticky Employee Leave Issues," "Developments Under the FLSA," presenter, Employment Law Updates, San Antonio, TX, May 9, 2023.
- "Developments Under the FLSA," presenter, Employment Law Updates, Houston, TX, April 27, 2023.
- "New Year, New Ban: FTC Proposes Ban of Post-Employment Non-Competes," author, Labor and Employment Client Alert, January 12, 2023.
- "DOL Proposes New Rule for Employee and Independent Contractor Classifications under Fair Labor Standards Act," author, Labor and Employment Client Alert, October 18, 2022.
- "Employee Duty of Loyalty Litigation – A National Survey," presenter, Federal Bar Association's Labor and Employment Law Conference, February 26, 2021.
- "Losing My Exemption: Avoiding Costly Misclassification Issues As Well As Other Wage & Hour Updates," presenter, SAHRMA 14th Annual Employment Law Conference, August 19, 2020.

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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Texas Lutheran University Board of Regents
- Keystone School Board of Trustees
- North San Antonio Chamber Board of Directors
- 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 and former President
- Child Advocates of San Antonio (CASA) former 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
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## SELECTED CLIENT REPRESENTATIONS

Laura has achieved tremendous success for her clients, success that extends from the courthouse to arbitration to courts of appeal. A representative list of Laura's successes includes:

### *FLSA*

- Arbitration Award granting take-nothing judgment after hearing on FLSA claims for unpaid overtime and retaliation in first of 30 related arbitrations against oilfield services company (AAA Harris County, Texas)
- Arbitration Award, including assessment of attorneys' fees and costs against claimant, after hearing on executive claims for breach of contract and FLSA retaliation against restaurant chain (JAMS Dallas County, Texas)
- Order granting summary judgment on multi-plaintiff FLSA off-the-clock claims lodged against global telecommunications company (United States District Court for the Northern District of Texas, Dallas Division)
- Order granting Motion to Compel Arbitration of purported FLSA collective action on misclassification claims against restaurant chain and denial of collective action motion in arbitration (United States District Court for the Western District of Texas, Austin Division, and AAA Travis County, Texas)
- Order denying Motion for Conditional Certification on FLSA claims for unpaid overtime brought against warehouse and distribution company (United States District Court for the District of New Jersey)
- Order denying Motion for Conditional Certification of alleged FLSA misclassification claims brought against behalf of restaurant chain (United States District Court for the Southern District of Texas, Houston Division).

### *Trade Secrets/Restrictive Covenants*

- Temporary Injunction obtained for golf manufacturer preventing former executive from working for competitive global manufacturer of golf and other sports equipment and from disclosing or using trade secrets, or otherwise breaching a confidentiality agreement (Collin County, Texas district court)
- Temporary Injunction obtained for construction company, after six-day hearing, preventing former employee from disclosing or using trade secrets and his new employer from soliciting employees and using or disclosing trade secrets (Bexar County, Texas district court)
- Temporary Restraining Order and Agreed Permanent Injunction for global multicloud solutions company preventing IT employee from using or disclosing trade secrets and contacting customers or otherwise interfering with customer relationships (Bexar County, Texas district court)
- Several Temporary Restraining Orders entered against former employees of national financial services company preventing them from disclosing trade secrets and soliciting clients in violation of

restrictive covenants (Bexar County, Texas district court)

- Temporary Restraining Order preventing several former employees of national telecommunications company and their new employer from disclosing trade secrets, soliciting employees, soliciting customers or otherwise breaching employment agreements and requiring accounting for and turn over of electronic devices (Johnson County, Texas district court)

## *Sexual Harassment*

- Austin Court of Appeals decision reversing jury verdict against retail chain and holding that there was insufficient evidence of hostile work environment sexual harassment to submit claim to jury, cited by the *Texas Bar Journal* as one of the significant developments in employment law in 2010. *Twigland Fashions, Ltd. v. Miller*, 335 S.W.3d 206 (Tex. App.-Austin 2010, no pet.)
- Defense verdict after jury trial on quid pro quo sexual harassment claim against national retail chain (Travis County, Texas district court)
- Defense verdict after jury trial in sexual harassment, sex discrimination and assault case against a national bank (United States District Court for the Western District of Texas, San Antonio Division)
- Arbitration Award after hearing on claims of hostile work environment and quid pro quo sexual harassment claim against restaurant chain (TAMS El Paso, Texas)
- Order granting summary judgment on claims of hostile work environment sexual harassment, national origin discrimination and retaliation, disability discrimination and failure to accommodate, FMLA interference and retaliation, and wrongful discharge/ breach of contract against national telecommunications conglomerate (United States District Court for the Western District of Texas, Austin Division)
- Summary judgment for national retailer on claims of hostile work environment and quid pro quo sexual harassment and retaliation. (Comal County, Texas district court)

## *Other Employment Claims*

- Defense verdict after jury trial on workers' compensation retaliation claim against a national trucking company (El Paso County, Texas district court)
- Arbitration Awards after hearings before three arbitrator panels in two separate arbitrations challenging stock forfeiture provisions in national financial institution's employee incentive compensation plan (NYSE & FINRA Harris County, Texas)
- Ruling from the Fifth Circuit Court of Appeals upholding summary judgment on ERISA denial of benefits claim against nationwide sales and marketing company and U.S. Supreme Court denial of certiorari (U.S. Court of Appeals for the Fifth Circuit and United States Supreme Court)
- Ruling from Fifth Circuit Court of Appeals upholding finding that hospital's arbitration agreement is enforceable and Order from the United States Supreme Court denying certiorari in the appeal of the Fifth Circuit's opinion (U.S. Court of Appeals for the Fifth Circuit and U.S. Supreme Court)
- Order adopting Magistrate Judge recommendation to dismiss national original discrimination claim against real estate investment firm under Rule 12(b)(6) (United States District Court for the Western District of Texas, San Antonio Division).
- Order granting Motion to Compel Arbitration and dismissing with prejudice claims of discrimination and retaliation against nationwide financial services company, Fifth Circuit decision affirming district court order, and U.S. Supreme Court denial of petition for writ of certiorari (United States District Court for the Western District of Texas, San Antonio Division, U.S. Court of Appeals for the Fifth Circuit, and U.S. Supreme Court)
- Order denying the majority of EEOC's Application to Enforce Administrative Subpoena seeking company-wide employment records against retail chain (United States District Court for the Western District of Texas, San Antonio)
- Order granting Rule 12(b)(6) dismissal of several parties and one claim against national telecommunications conglomerate (United States District Court for the Western District of Texas,

Austin Division)

- 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.

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## AWARDS AND RECOGNITIONS

- Selected for inclusion in the *Lawdragon 500* Leading Litigators in America listing, Lawdragon Inc., 2024
- Recognized as a "2023 Lawyer of the Year" by *Best Lawyers*, Woodward/White, Inc., in litigation - labor and employment, 2023
- Recognized by *Who's Who Legal: Labor Employment & Benefits*, 2023
- Selected for inclusion in the *Lawdragon 500* Leading U.S. Corporate Employment Lawyers listing, Lawdragon Inc., 2021-2024
- Named a "Labor & Employment Star – South," *Benchmark Litigation*, Euromoney Institutional Investor PLC, 2019-2021
- 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, 2017-2023
- Recognized as a Standout Lawyer, Acritas Stars, 2018-2021
- 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, 2010-2023; *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, 2011-2024, employment law- management, 2023-2024
- Listed in *Martindale Hubbell Law Directory* with a Peer Review Rating of AV Preeminent
- Recognized in Best San Antonio Female Lawyers, *San Antonio Scene*, Scene Monthly, LLC, 2021-2022
- 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 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