



Mitzi D. Wyrick

Partner

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Location

400 West Market Street
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Honors



Top 25 Women attorneys in Kentucky
Super Lawyers®, 2020

Recognized by her peers in
Kentucky Super Lawyers® 2015-2020

Woodward/White's The Best Lawyers in America® Employment Law-Management, 2013-2020

Recognized as one of the "Top Lawyers" in the area of Class Action Law by *Louisville Magazine*, March 2014

Education

1992 - J.D., Harvard University Law School; Executive Editor of the *Harvard Journal of Law and Public Policy* and Co-Director of the Harvard Legislative Research Bureau

1989 - B.A., with high distinction and honors, University of Kentucky

Admissions

Kentucky

Mitzi Wyrick is a member of the Firm's Litigation & Dispute Resolution Service Team. She concentrates her practice in the areas of class actions, labor and employment law matters and complex commercial litigation.

Representative Matters

Ms. Wyrick has experience defending class and collective actions in trial and appellate courts at all levels. She defends and counsels employers in various aspects of compliance with labor and employment law, including employment discrimination and harassment, retaliation, wage and hour law, and affirmative action requirements in federal contracts. Some her more significant commercial litigation and labor and employment matters include:

- *Roberts v. Jefferson County Board of Education* (Ky. App. 2012). Court affirmed dismissal of wrongful termination action.
- *Conaway v. Jefferson County Board of Education* (Jefferson Circuit Court 2012). Court granted summary judgment on pleadings of multi-plaintiff wage and hour case.
- *Jana Christine Jones-Turner, et al. v. Yellow Enterprise Systems, Inc., Case No. 3:07CV-18-S (W.D. KY)*. On October 11, 2011, U.S. District Judge Charles Simpson granted motion to decertify FLSA collective action previously conditionally certified, and denied plaintiffs' motion for Rule 23 class certification of claims for meal and other breaks. On March 31, 2014, Judge Simpson entered summary judgment dismissing all of plaintiffs' individual claims which he found lacked merit. On January 5, 2015, the U.S. Court of Appeals for the Sixth Circuit affirmed the trial court's decisions in their entirety.
- *Roberts v. Jefferson County Board of Education* (Jefferson Circuit Court 2011). Trial court dismissed wrongful termination action.
- *Brooks v. Valspar Corporation* (Jefferson Circuit Court 2010). Summary judgment granted for employer in disability discrimination action.
- *Bean v. Remington Arms* (Graves Circuit Court 2010). Trial court granted summary judgment to employer on disability discrimination claim.
- *Daniels v. Life Insurance Co. of North America* (W.D. Ky. 2009). Dismissal of ERISA claim on statute of limitations grounds.
- *Light, et al. v. City of Louisville* (Ky. Sup. Ct. 2008). Successfully defended the City of Louisville in a claim for a class action tax refund.
- *Fricke v. E.I. DuPont de Nemours* (6th Cir. App. 2007). Trial court's grant of summary judgment was affirmed in case alleging disability and age discrimination.
- *Fink v. J.J.B. Hilliard, W.L. Lyons* (Jefferson Cir. Ct. 2007). Obtained summary judgment for employer in action alleging age discrimination and breach of contract.
- *Kaelin, et al. v. City of Louisville* (Ky. Sup. Ct. 2006). Served as lead counsel before the Kentucky Supreme Court in successfully arguing that plaintiffs were exempt from the Kentucky Wage and Hour laws.
- *Rehm v. J.J.B. Hilliard, W.L. Lyons* (W.D. Ky. 2006) Obtained summary judgment on claim of violation of the Kentucky Civil Rights Act and the FMLA.
- *Sloan v. PNC Bank, N.A.* (Jeff. Cir. Ct. 2006). Ms. Wyrick obtained summary judgment in this action alleging age discrimination.
- *Sonii v. General Electric Company* (7th Cir. App. 2005). Successfully opposed claims for millions of dollars of attorneys' fees.
- *Parts Depot v. Beiswenger* (Ky Sup. Ct. 2005). Appeared before the Kentucky Supreme Court regarding Labor Cabinet jurisdiction over state wage and hour claims.
- *Spalding v. Jefferson County Board of Education, et al.* (Jeff. Cir. Ct. 2005).

Acted as lead counsel in defending clients against claims of age and disability discrimination and intentional infliction of emotional distress. This case was dismissed on summary judgment.

- *Cecil v. PNC Bank, N.A., et al.*, (Jefferson Circuit Court 2004). Lead counsel for PNC Bank in this action in which the plaintiff alleged that she had been sexually harassed and that PNC Bank had tortiously interfered with a contract to which she was a party. The sexual harassment claim was dismissed before trial and the dismissal was affirmed by the Kentucky Court of Appeals. After trial, the jury returned a verdict in PNC Bank's favor on the claim of tortious interference with a contract.
- *Thompson v. General Electric Company*, (W.D. Ky. 2004). Lead counsel in this action in which the plaintiff alleged that he had been discriminated against on the basis of his race. The Court granted summary judgment in favor of General Electric.
- *Holbrook v Yamamoto FB Engineering, LLC*, (6th Cir. App. 2005). Lead counsel in this action in which the plaintiff alleged disability discrimination, sex discrimination and intentional infliction of emotional distress. The Court granted summary judgment in favor of Yamamoto.
- *Milby v. Jefferson County Board of Education*, (Ky. App. 2003). Lead counsel in this action in which the Court of Appeals affirmed summary judgment on claims of disability discrimination.
- *Trisler v. General Electric Company*, (S.D. Ind. 2003). Lead counsel in this action in which the court granted summary judgment on all claims including those for disability discrimination under the Americans with Disabilities Act.
- *Schalk v. Jefferson County Board of Education*, (Jefferson Circuit Court 2002). Lead counsel in this case in which the plaintiff alleged age discrimination, sex discrimination and race discrimination. After trial, the jury found in favor of the Board of Education on all counts.
- *Oakley, et al. v. Waste Management, et al.*, (Bullitt Circuit Court 2002). Ms. Wyrick obtained decertification of a class action alleging property damage and economic loss from a train derailment. The action was then dismissed.
- *Schilling, et al. v. Farmers Bank & Capital Trust Co.*, (Ky. Ct. App. 2002). Defended this action in which the plaintiffs claimed breach of fiduciary duty. The Court of Appeals affirmed the denial of a class certification and the trial court's grant of judgment as a matter of law, which occurred after a multi-week trial.
- *DeGarmo, et al. v. Healthcare Recoveries, Inc.*, (S.D. W.Va. 1994). Defended this action involving allegations of violations of ERISA, RICO, breach of fiduciary duty, fraud, misrepresentation, and violation of the Fair Debt Collection Practices Act. The matter was resolved after successfully opposing certification of a nationwide class and limiting the class certified to a much smaller class.
- *Baldrige, et al. v. E. I. DuPont de Nemours & Company*, (E.D. Ky. 2000). Defended this action involving claims of property damage after a chemical release. This case was resolved in the midst of a multi-week trial after class certification had been successfully opposed.
- *Wilson v. Kentuckiana Regional Planning and Development Authority*, (W.D. Ky. 1999). Lead counsel in this action in which the Court granted summary judgment on plaintiff's claims of violation of the Family and Medical Leave Act and sex discrimination.
- *Eddleman, et al. v. Jefferson County, Kentucky*, (W.D. Ky. 1999). Defended this class action involving claims of violations of civil rights. The case was resolved after the class was partially decertified.
- *Venhoff v. Jefferson County Board of Education*, (Jefferson Circuit Court 1998). Defended this action in which the plaintiff alleged discrimination on the basis of a disability. After a week-long trial, the jury found in favor of the Board of Education.
- *McIntosh, et al. v. ChoiceCare Health Plans, et al.*, (S.D. Ohio 1997). Defended one of the defendants in this class action involving alleged violations of ERISA. A motion for class certification was denied and summary judgment was granted for the defendants.

Professional Experience

- Law Clerk for the Civil Rights Division of the U.S. Department of Labor in Washington, D.C., 1991
- Law Clerk for the Office of the Attorney General in Frankfort, Kentucky, 1990

Presentations

Ms. Wyrick has conducted seminars and training in wage and hour issues, personnel policies, discrimination, the WARN Act, military leave, the Family and Medical Leave Act, sexual harassment investigations, drug testing and other employment topics.

Publications

- "Employers' Contractually-Shortened Statutes of Limitations May Not Be Enforceable," Wyatt Employment Law Report, February 2020.
- "Revised Department of Labor Joint Standard," Wyatt Employment Law Report, January 2020.
- Co-author, "New Enforcement Means Employers Should Review Payroll Practices," Financial Scene (Kentucky Chapter of Healthcare Financial Management Association), September 2009
- Co-author, "The Impact of the Federal Arbitration Act on Litigation over Arbitration," The Labor Lawyer, Vol. 13, No. 2 (1997).

Professional Activities and Memberships

- Louisville, Kentucky and American Bar Associations

Civic Involvement

- Jefferson County Program Review Team for the Metro United Way
- President of the Board of Directors of Dreams with Wings