



## Catherine S. Wright

Counsel

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**Catherine S. Wright is Counsel in the Litigation practice group and the Equine industry group, focusing primarily on labor and employment litigation. She practices out of the Firm's office in Lexington, Kentucky.**

Catherine enjoys being able to devise effective legal solutions and obtain outstanding results for her clients, whether that client is a large corporation or a small local organization. She is well versed in all aspects of employment law, including defense of employment discrimination, retaliation, breach of contract (non-competition and other), wage-hour, intentional tort, ERISA denial of benefits, FMLA, and wrongful discharge claims before federal and state trial courts and appellate courts.

Catherine is also highly experienced defending employers before federal and state agencies, including the Equal Employment Opportunity Commission (EEOC), the Kentucky Human Rights Commission and other state fair employment practice (FEP) agencies, and the Department of Labor. She has represented clients in mediation of employment disputes before court-appointed mediators, private mediators, and the American Arbitration Association.

Catherine counsels, advises, and trains management and employees regarding human resources policies and practices, employee handbooks, employment contracts and independent contractor agreements, wage-hour issues, and compliance with numerous employment statutes, including FMLA, ADA, Title VII, ADEA, USERRA, WARN, and FLSA.

Catherine is quite a busy lady in her down time, as she has been married for 27 years and has three children. Catherine enjoys spending her free time at the barn with her daughter and her horse. She relaxes by practicing yoga.

## Awards

- Kentucky *Super Lawyers*® for Employment & Labor Law (2023)
- Kentucky *Super Lawyers*® for Equine Industry: Defense (2022)
- Recipient of the 4th Annual Michael Scanlon Leadership Award awarded by Big Brothers Big Sisters of the Bluegrass (2020)
- Kentucky *Super Lawyers*® for Employment & Labor Law and Employment Litigation: Defense (2021)
- Leadership Lexington Class of 2012-2013
- Dinsmore & Shohl Alice Neeley Memorial Award (2006)

## Notable Legal Experience

- Represented a state official in a state court defamation action arising from a personnel action taken in the scope of his employment. In deciding to end the services a leased employee, the state official relied on an email drafted by his

human resource official outlining the reasons the leased employee's services were no longer needed. Later, after that email was released under the Open Records Act and information contained in the email published in a Courier-Journal article, the leased employee sued for defamation, tortious interference and wrongful discharge. The case was defended on grounds of qualified official immunity and qualified privilege, among others. State court granted summary judgment on all claims except one. The matter was appealed to the Kentucky Court of Appeals on the issue of qualified official immunity and whether there was a sufficient factual basis to establish malice

- Obtained summary judgment for a state entity in employment litigation involving charges by an employee that she experienced a hostile work environment, retaliation under the Kentucky Civil Rights' Act and retaliation under Kentucky's Whistleblower Act. Employee claimed she was denied a promotion and experienced numerous instances of retaliation, including a transfer of workstation, negative performance reviews, job duty changes and monitoring of her computer. The Kentucky Court of Appeals upheld the summary judgment on all claims except one claim of retaliation; but with no ability to articulate any concrete damages associated with the remaining claim, plaintiff dropped the case. In addition, conducted internal investigation for this state entity relating to use of sick time and defended a fish and wildlife officer from wrongful arrest claim
- Defended multiple suits on behalf of Kentucky school boards, including Wolfe County BOE, Bath County BOE against claims of discrimination, retaliation, first amendment retaliation. Conducted Title IX training for Boyd County BOE; conducted investigation for Fayette County BOE
- Represented employer in a case where the Unemployment Insurance Commission reversed the grant of benefits to an employee stating that the employee could not claim she had no other reasonable alternative but to quit her employment. The employer fully investigated her claims of hostile work environment and found them to be unsubstantiated. However, despite the assurance of enforcement of its well-established non-retaliation policy, the employee would not return to work, claiming she had no choice since her doctor had not released her to return from her FMLA leave. In addition, the Commission found that medical evidence relating to former employee's treatment which occurred prior to the investigation by employer could not be a basis to conclude that the Plaintiff's health condition was the result of her work environment
- In 2017, obtained summary judgment in Madison Circuit Court, Kentucky on behalf of employer on claims of retaliation, disability and gender discrimination after employee claimed that employer failed to accommodate her alleged disability related to a fiberglass allergy and then terminated her employment. Plaintiff also brought claims against two supervisors for retaliation and intentional infliction of emotional distress
- Defeated challenge to employer's use independent contractors alleging misclassification by Kentucky Division of Unemployment Insurance – Tax

## Work History

- Jackson Kelly PLLC (2021-Present)
- Irvin Rigsby PLC, Partner (2017-2021)
- Dinsmore & Shohl LLP, Associate (2002-2008), Partner (2009-2017)
- Frost Brown Todd LLC, Associate (1998-2002)
- Newberry Hargrove & Rambicure, Associate (1996-1998)
- Kentucky Educational Television, Associate Producer (1991-1993)

## Practices

- Labor & Employment
- Litigation

## Industries

- Equine

## Education

- University of San Diego School of Law (J.D., *Order of the Coif*, 1996)

- University of Kentucky (B.A. in Journalism/Economics, *Honors Program*, 1991)

## Admissions

- Kentucky (1997)
- U.S. District Court, Western District of Kentucky (1999)
- U.S. Court of Appeals, Sixth Circuit (1998)
- U.S. District Court, Eastern District of Kentucky (1997)

## Representative Cases

- *Planck v. EnerSys Delaware, Inc.*, Case No. 14-CI-134, Madison Circuit Court, Kentucky (2017) (summary judgment granted)
- *Wilson v. Pearl Interactive Network, Incorporated*, 2018 WL 1916345 (E.D.Ky., 2018) (summary judgment granted)
- *Buckner v. Commonwealth of Ky.*, 2010 WL 3168089 (E.D. Ky.,2010), 2011 WL 741446 (E.D. Ky.,2011) (motion to dismiss granted)
- *Singleton v. Select Specialty Hospital-Lexington, Inc.*, 391 Fed. Appx. 398, 2010 U.S. App. LEXIS 16175 (6th Cir. 2010) (summary judgment upheld)
- *Monica Hall, et al. v. Select Specialty Hospital-Lexington, Inc.*, Case No. 5:07-cv-00230-JMH (E.D.Ky. Jan. 27, 2009) (summary judgment granted in part)
- *Stargle v. Pamida, Inc.*, 2007 U.S. District LEXIS 50579 (W.D. Ky. 2007) (summary judgment granted)
- *Brett v. Media General Operations, Inc.*, 326 S.W. 3rd 452(Ky. App. 2010) (summary judgment upheld)
- *Baumann v. Media General Operations, Inc.*, 2006 WL 8445443 (E.D.Ky., 2006) (summary judgment granted)
- *Dunaway v. EnerSys Delaware, Inc.*, Case No. 5:11-cv-00153-JBC (E.D.Ky. July 27, 2011) (motion to dismiss granted)
- *Crockett v. CHA HMO, Inc.*, 2008 Ky. App. LEXIS 103 (Ky. App. 2008) (summary judgment affirmed)
- *Russell v. Jewish Hospital*, 2004 Ky. App. Unpublished LEXIS 890 (Ky. App. 2004) (summary judgment granted)

## Community

- Big Brothers Big Sisters of the Bluegrass, Board Chair (2014-2016), Board Member (2009-2019)
- Bluegrass SHRM, Board Member (2009-2013)
- Hospice of the Bluegrass, Legal Services Volunteer
- Southland Christian Church, K-2 Grade, Group Leader

## Speaking Engagements & Publications

### Speaking Engagements

- "Partnering to Create Fair Chance Pipelines," Kentucky Chamber of Commerce,4th Annual Kentucky Recovery in the Workplace Conference, Griffin Gate Marriott Golf Resort & Spa, Lexington, Kentucky, June 21, 2022
- "Legal Issues Arising from 2021 Workforce Challenges," 18th Biennial UK/CLE Employment Law Institute, May 19-20, 2022
- "Conducting Internal Investigations," University of Kentucky's Business Associations Law Institute, April 13-14, 2017
- "Wage and Hour Update: Changes in FLSA Overtime Regulations," Madison County Human Resource Association, Sept. 8, 2016
- "Employment Law for Startups," Awesome, Inc., July 20, 2016
- "Application of Current Employment Issues to the Equine Industry," 30th Annual National Conference on Equine Law, May 4, 2016
- "2016 Legal Update," Madison County Society for Human Resources Management, Jan. 14, 2016

- "Managing the Changing Legal Landscape for LGBT Employees," Bluegrass Society for Human Resource Management Professional Development & Chapter Meeting, Nov. 10, 2015
- "The Pregnancy Discrimination Act: Takeaways from EEOC's 2014 Guidance and U.S. Supreme Court's Decision in Young," "The Women Lawyers' Association of the Fayette County Bar, May 20, 2015
- "The Impact of Whistleblowers in Healthcare," Kentucky Society for Healthcare Human Resources Administration, May 12, 2015
- "Crafting A Bring Your Own Device Policy to Fit Your Organization's Needs," Kentucky Bar Association's 25th Annual Issues for Corporate House Counsel CLE Seminar, Louisville, Kentucky, April 16, 2015
- "The Employer's Toolkit Equal Pay Update," Bluegrass Compensation Association, April 23, 2014
- "Employer's Guide to Navigating Social Media," Kentucky Jailers Association State Conference, Oct. 24, 2013
- "The State of At-Will Employment: Exceptions Overtaking the Rule," 2013 Kentucky Bar Association Annual Convention, June 19, 2013
- "2012 Legal Update," Bluegrass Society for Human Resource Management, Jan. 10, 2012
- "Social Media & Current Topics in Employment and Immigration," Kentucky Association of Colleges and Employers Fall Conference, Nov. 3, 2011
- "Title VII Litigation: Persistent Evidentiary Challenges – Effective Use of Evidence in Defending Discrimination, Retaliation and Harassment Claims," Webinar hosted by Strafford, Oct. 13, 2010
- "Health Care Reform: What Employers Need to Know," Bluegrass Chapter of Kentucky SHRM, May 11, 2010
- "Recent Legal Developments and Update," Southeastern Kentucky SHRM Group (Somerset), March 18, 2010
- "Employment Law Update," Fayette County Bar Association CLE, Jan. 21, 2010
- "Current Developments in Labor and Employment Law," Bluegrass Chapter of Kentucky SHRM, Jan. 12, 2010
- "The Family Medical and Leave Act: What's New," Fayette County Bar Association CLE, June 23, 2009
- "Employment Law Update," Central Kentucky SHRM Group (Danville), May 12, 2009
- "The Family Medical and Leave Act: What's New," "Fayette County Bar Association CLE, Feb. 12, 2009
- "Developments in FMLA Compliance and the Overlap of ADA, FMLA and WC," Sterling Education Services, Jan. 20, 2009
- "The Development Landscape of Employer Wellness Initiatives and a Healthy Workplace: What you and your clients need to know," Kentucky Bar Association Convention, June 20, 2008
- "Employee Discharge & Documentation: How Not to Become A Defendant," National Business Institute, Nov. 30, 2006
- Continuing Legal Education Seminar, Bourbon County Bar Association, Nov. 30, 2006
- "The Complete Payroll Process in Kentucky, FLSA Basics," Lorman, Dec. 2, 2003
- "Payroll Management in Kentucky – Most Frequent Questions About Wage & Hour Law," Lorman, Oct. 2, 2003
- "Hiring and Firing Kentucky – How to do it Right!," Sterling Education Services, LLC, June 24, 2003
- "Payroll Management in Kentucky – Most Frequent Questions About Wages & Hour Law," Lorman, Oct. 10, 2002

#### **Writings and Publications**

- "Kentucky Becomes the 27th Right to Work State; Legislature Repeals Prevailing Wage Laws," Jan. 10, 2017
- "Staying Ahead of the Curve as You Expand Your Workforce," Dec. 5, 2012
- "10 Tips for Conducting an Internal Investigation," Dec. 12, 2011
- Ohio Education Law Monthly (July 2010), July 12, 2010
- "Health Care Reform: How Will it Affect Your Future?," May 28, 2010
- "Layoffs, Alternatives, The Law and You," April 30, 2019
- "Dinsmore & Shohl Announces 11 New Partners," Jan. 1, 2009
- "Sixth Circuit Articulates Standards to Be Applied to USERRA Claims," Oct. 2, 2008