



John L. Ross

Partner

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John L. Ross represents both private sector businesses and public entities and their respective directors, officers and management officials in employment litigation matters throughout Texas and the United States, including, FLSA class actions, discrimination cases, Title VII, ADA, FLSA, ADEA, WARN and federal civil rights claims, workers' compensation retaliation cases, employment torts, immigration and naturalization matters, and contractual claims. He founded Thompson, Coe's Labor & Employment Section more than thirty years ago.

As a former Regional Attorney for the EEOC, with a Master of Laws degree in Labor and Employment Law, Board Certifications both in Labor & Employment Law and Civil Trial Law, and over 40 years trial experience, John has been described by a federal district judge as the "go to" person for management representation in labor and employment litigation.

John is approved panel counsel for numerous employment practices liability (EPLI) insurance carriers.

Representative Experience

- *Spindle v. CKJ Trucking, L.P., et al.*, Case No. 4:18-cv-818-SKJ-KPJ (E.D. Tex. Feb. 7, 2020). Obtained summary judgment for Texas trucking company on allegations of disability discrimination, failure to provide reasonable accommodations for the Plaintiff's alleged disability, and FMLA retaliation claims brought by a former tractor-trailer driver-employee.
- *CHRISTUS Trinity Clinic v. Dr. Joel Underwood, M.D.*, Misc. No. 3:19-MC-89-N (N.D. Tex. Nov. 25, 2019). On behalf of an east Texas clinic and affiliated hospital, obtained confirmation by the district court of a take-nothing arbitration decision against various claims made by a former doctor-employee.
- *Solomon v. Wardlaw Claim Services, LLC*, 2019 WL 2565667 (N.D. Ind. June 19, 2019). Obtained summary judgment on behalf of a national insurance claims adjustment company on claims of race and sex discrimination, hostile work environment, retaliation, and "blacklisting" brought by a discharged black,

Services & Industries

- Labor & Employment
- Community Associations

female assistant manager.

- *Cummings v. Total Eye Care*, 2019 WL 95606 (N.D. Tex. Jan. 3, 2019). Obtained dismissal of disability discrimination/reasonable accommodation claims brought against an eye care clinic by a deaf, sight impaired prospective patient.
- Won employer decision from NLRB Administrative Law Judge, finding that employer did not violate the NLRA by allegedly threatening employees with discharge if they participated in a strike, see *EYM King of Missouri d/b/a Burger King and Workers' Organizing Committee—Kansas City*, 365 NLRB No. 16 (N.L.R.B. Div. Judges Sept. 29, 2017), *affirmed*, 366 NLRB No. 5 (2018).
- Obtained summary judgment in favor of for east Texas hospital on disability discrimination and “reasonable accommodation” claims by former certified registered nurse anesthetist, see *Conley v. Good Shepherd Hospital*, 2:16-cv-01346 (E.D. Tex. Oct. 31, 2017).
- Obtained full defense take-nothing final judgment in five-plaintiff suit alleging wrongful termination based on race, see *Quiroz, et al. v. WCS Services, Inc.*, 3:16-cv-02212 (N.D. Tex. Sept. 29, 2017).
- Obtained summary judgment against the EEOC on claims of disability discrimination involving the discharge of a bipolar probationary employee, see *EEOC v. AccentCare, Inc.*, 2017 WL 2691240 (N.D. Tex. June 21, 2017).
- Obtained dismissal of federal civil rights, constitutional, and Texas statutory tort claims brought against west Texas hospital by U.S. citizen for body cavity search conducted at the request of U.S. Border Patrol agents, see *Bustillos v. El Paso County Hosp. Dist.*, 226 F.Supp.3d 778 (W.D. Tex. 2016), *affirmed*, 891 F.3d 214 (5th Cir. 2018).
- Obtained partial dismissal—affirmed on appeal—of conspiracy, worker compensation retaliation, and other allegations brought against oil exploration company by injured former rig hand on grounds the claims were barred by the Texas anti-SLAPP statute, see *Tervita, LLC v. Sutterfield*, 482 S.W.3d 280 (Tex. App.—Dallas 2015), *rev. denied* (Tex. April 1, 2016).
- Obtained summary judgments for east Texas hospital and health care organization on disability discrimination and “reasonable accommodation” claims by former maintenance employee, see *Williams v. Good Shepherd Med. Cntr. et al.*, 2:13-CV-00267 (E.D. Tex. March 31, 2014);
- Obtained summary judgment on claims of sexual harassment and breach of employment contract claims brought by former employee against Dallas-based sports clothing distributor (2014).
- Obtained summary judgment—affirmed on appeal—on behalf of private correctional facility management company against sexual harassment and wrongful termination claims by female correctional officer, see *Giddens v. Comm. Ed. Ctrs, Inc.*, 540 Fed. App'x. 381, 2013 WL 5405503 (2013);
- Obtained summary judgments for east Texas hospital and health care organization on sexual harassment and retaliation claims by former clinic medical assistant (2013).
- Obtained summary judgment for the employer in a “reverse discrimination” case which was affirmed on appeal in one of the most frequently cited Fifth Circuit opinions on the allocation of the order and burden of proof in discrimination cases after the Supreme Court's decision in *Desert Palace v. Costa*-- having been cited in more than 1,000 subsequent cases. *Keelan v. Majesco Software, Inc.*, 407 F. 3rd 332 (5th Cir. 2005).

- Summary judgment obtained for national commercial real estate construction, brokerage and management firm in pregnancy discrimination case brought by former employee.
- Summary judgment obtained for prominent, upscale national restaurant on claims of sexual harassment and retaliation brought by a former cocktail waitress.
- Has obtained summary judgments for several school districts and counties on a variety of discrimination, civil rights, and other employment-related claims.
- Has tried dozens of cases to verdict, including:
 - Two separate defense jury verdicts on behalf of a national insurance carrier on age discrimination claims brought by terminated former senior managers.
 - Defense verdict for major NASA contractor on FMLA retaliation claim.
 - Defense verdict for Georgia-based regional gas station/convenience store chain on pregnancy discrimination claim.
 - Defense jury verdict for 700+ employee manufacturing company in worker's compensation retaliation lawsuit.
 - Defense jury verdict for prominent Fort Worth private prep school in age discrimination lawsuit brought by discharged long-time faculty member.
 - Defense jury verdict for Houston-based engineering firm in FLSA overtime suit brought by discharged engineer.
 - Defense verdict for large Dallas insurance brokerage on allegations of sexual harassment made against the president of the company.
 - In federal race discrimination suit brought by discharged administrator against an east Texas school district where the lowest pre-trial settlement demand had been \$500,000, jury only awarded \$50,000.
 - Defense verdict for a Texas electrical power construction company in a worker's compensation retaliation lawsuit.
 - Defense verdict in a pregnancy discrimination suit brought by a discharged employee against a South Carolina-based national commercial real estate construction, brokerage and management firm.
 - Defense jury verdict for national retail shoe store chain on allegations of defamation, malicious prosecution, and intentional infliction of emotional distress brought by former employee and customer
 - Following a two-week trial, obtained defense jury verdict on behalf of large, privately held, Minnesota-based international dairy and food processing company on sex discrimination, retaliation, and intentional infliction of emotional distress allegations made by the company's former in-house counsel.
- Has handled dozens of unfair labor practice charges filed with the NLRB, including trials before administrative law judges, filing exceptions with the Board, and petitions to federal appellate court for enforcement/review of Board decisions.
- Represented a major Texas law firm against sex discrimination allegations by unsuccessful partner candidate.
- Defended publicly traded security/risk management company in FLSA representative class action overtime suit in California federal court.
- Defended national auto insurance company in FLSA representative class action overtime suit in Illinois federal court.
- Has obtained temporary restraining orders and injunctive relief on behalf of

national restaurant chain in various federal courts to protect trade secrets, trade marks, and trade dress and to enforce covenants not to compete against former franchisees.

- Defended largest privately held Georgia corporation in ten-plaintiff race discrimination case, obtaining summary judgments against nearly all plaintiffs;
- Has represented dozens of cities, counties, police and fire departments, school districts and other governmental entities in civil right and discrimination cases.
- Has briefed and/or argued dozens of cases in various appellate courts, including the U.S. Supreme Court, four U.S. Courts of Appeals, the Texas Supreme Court, and four Texas Courts of Appeals.

Education

- George Washington University (LL.M., 1982)
- University of Toledo (J.D., 1976)
- Central Michigan University (B.S., 1973)

Bar Admissions

- Texas, 1987
- Michigan (emeritus status), 1976

Court Admissions

- U.S. Army Court of Military Review - 10/06/1981
- U.S. Court of Appeals, Fifth Circuit - 08/06/1985
- U.S. Court of Appeals, Seventh Circuit - 08/30/1985
- U.S. District Court, Northern District of Texas - 11/12/1985
- U.S. Court of Appeals, Eleventh Circuit - 1986
- U.S. District Court, Southern District of Texas - 09/29/1989
- U.S. District Court, Eastern District of Texas - 03/14/1990
- U.S. District Court, Western District of Texas - 03/30/1990
- U.S. Court of Appeals, Federal Circuit - 11/02/1995
- U.S. Court of Appeals, Eighth Circuit - 08/30/2016

Professional and Community Activities

- Member, Dallas Bar Association
- Member, Defense Research Institute Employment Law Section Sub-committee Chair, 1997 dedicated employment law edition of For The Defense)
- Adjunct Faculty in Trial Advocacy, Southern Methodist University Deadman Law School (1987-1990)
- Faculty Member, National Institute for Trial Advocacy (1986-1990)
- Faculty Member, Dallas Bar Association Trial Skills Course (1986-1990)

Speeches and Presentations

- Has been a speaker for CLE programs sponsored by the Texas State Bar, the University of Houston, Lorman Educational Services, Thompson-Coe Annual employment law seminars.

Professional Recognition

- Named *Super Lawyers*® - *Texas Super Lawyer, Corporate Counsel Edition* for Labor and Employment for 2010
- Repeatedly named a Texas "*Super Lawyer*" for Employment & Labor
- Recipient, EEOC Organizational Performance Award from former EEOC Chairman (now Supreme Court Justice) Clarence Thomas
- "AV" Peer Review Rated by *Martindale Hubbell*.

Publications

December 19, 2017

NLRB Overturns Obama Pro-Union Decisions

May 18, 2016

U.S. Department of Labor Unveils New Overtime Regulation

October 1, 2014

New Mandatory Leave Requirements for California Employers

March 3, 2014

Labor & Employment News: Volume 2014, Issue 1

June 14, 2013

Labor & Employment News: Volume 2013, Issue 1

August 7, 2012

Labor & Employment News: Volume 2012, Issue 2

May 1, 2012

Labor & Employment News: Volume 2012, Issue 1

August 11, 2010

Labor & Employment News: 2010, Issue 2

May 13, 2010

Labor & Employment News: 2010, Issue 1

September 11, 2009

Labor & Employment News: 2009, Issue 3

March 30, 2009

Labor & Employment Law Alert - COBRA Premium Changes

January 30, 2009

Labor & Employment News: 2009, Issue 1

September 1, 2008

Labor & Employment News: 2008, Issue 3

August 7, 2008

Supreme Court Affirms Alternative Retaliation Remedy

June 2, 2008

Labor & Employment News: 2008, Issue 2

January 1, 2008

Labor & Employment News: 2008, Issue 1

April 2, 2007

Labor & Employment News: Volume 8, Issue 2

March 31, 2006

TWFC Accepts Retaliation Charges Regarding Emergency Evacuations

March 1, 2006

Labor & Employment News: Volume 7, Issue 2

December 28, 2001

Responding to a Charge of Discrimination

June 6, 2001

Handling EEOC Discrimination Charges

February 26, 2001

Injured Employees: You'll Be Back WHEN?!?!