



## Stephanie S. Rojo

Section Head, Labor and Employment

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Stephanie S. Rojo is a commercial litigator and is Board Certified in Labor & Employment Law by the Texas Board of Legal Specialization. Stephanie has been repeatedly named a Texas Rising Star, and in 2017 and 2018 was named one of 50 Up-and-Coming Women Rising Stars by Texas Super Lawyers®.

*Labor & Employment (Litigation & Counseling)* – Stephanie represents employers and their leadership in discrimination and retaliation lawsuits and charges of discrimination, wage claims, suits for breach of contract and various employment-related torts, and suits for violation of state and federal statutes, such as the FLSA, the FMLA, WARN, and the Texas workers' compensation retaliation statute. In addition, Stephanie has prepared hundreds of employment contracts, severance agreements, non-competes and other restrictive covenants, arbitration agreements, and employee handbooks and policies. Stephanie advises clients daily on handling complex HR issues, compliance with various employment statutes, and proactively avoiding employee complaints.

*Commercial Litigation* – Stephanie also represents businesses, non-profits, and their directors and officers in a variety of commercial disputes, including breach-of-contract claims, claims of breach of fiduciary duty, fraud, and misrepresentation, Deceptive Trade Practices Act cases, and community association and condominium governance issues.

### Representative Experience

#### Employment Cases & Consulting

- Obtained a full take-nothing defense verdict for an employer in a federal race discrimination lawsuit, following the voluntary dismissal of a number of other discrimination claims in advance of trial.
- Obtained summary judgment for a Fortune 500 company in a lawsuit alleging violations of the FMLA as well as race and disability discrimination.
- Obtained voluntary dismissal of a race discrimination claim and summary

### Services & Industries

- Labor & Employment
- Commercial Litigation
- Community Associations

judgment on the remaining retaliation claim, affirmed on appeal by the First Court of Appeals.

- Obtained the dismissal of an Equal Pay Act-type in state and then federal court, obtaining sanctions against the plaintiff after the federal dismissal.
- Obtained summary judgment for an employer in a lawsuit alleging pregnancy and disability discrimination, affirmed on appeal by the Fifth Circuit.
- Obtained a jury verdict for an employer in a Fair Labor Standards Act lawsuit for the alleged misclassification of an exempt employee.
- Obtained the voluntary dismissal of a race and national origin discrimination and retaliation claim pending against a restaurant chain following the plaintiff's deposition.
- Obtained summary judgment for an employer in a workers' compensation retaliation lawsuit.
- Successfully advised a client on a 300-employee layoff including providing advice on avoiding disparate impact claims, WARN Act compliance, and severance packages, without litigation ensuing for the business.

### **Commercial Litigation & Community Associations**

- Obtained a favorable stipulation limiting damages and ultimately the favorable resolution of a lawsuit alleging, among numerous other claims, breach of employment contract by a company's founders.
- Successfully resolved four lawsuits by over a dozen investors and an additional lawsuit by the company's bankruptcy estate, alleging fraud and misrepresentations by the company's officers, within the limits of available insurance.
- Obtained summary judgment for an association in a case seeking a determination that the association's declaration had expired and suing the association for tortious interference.
- Obtained summary judgment on several claims by a custom homebuilder against a homeowners association, leading to the case's resolution on highly favorable terms.
- Obtained the dismissal of an action brought against a homeowners association involving an alleged improper foreclosure, as well as sanctions against the plaintiff.
- Obtained the dismissal of a student's 42 U.S.C. §1983 claims against a school district in a federal case involving allegations of the use of excessive force by a school district police officer.

### **Education**

- University of Houston Law Center (J.D., 2003)
  - Houston Business & Tax Law Journal
- The University of Texas at Austin (B.A., 2000)
  - Spanish and Psychology

### **Bar Admissions**

- Texas, 2003

## **Court Admissions**

- United States District Court, Northern, Southern, Western and Eastern District of Texas
- United States Court of Appeals, Fifth Circuit
- United States Supreme Court

## **Professional and Community Activities**

- Texas Board of Legal Specialization in Labor and Employment Law
- Austin Bar Association, Labor & Employment Section, Treasurer (2016-2017), Secretary (2017-2018), Chair (2018-2019)
- State Bar of Texas, Labor & Employment Law Section
- Robert W. Calvert Inn of Court, Barrister
- Texas Bar Foundation, Fellow
- Austin Bar Foundation, Fellow
- Claims and Litigation Management Alliance (CLM), President of the Austin-San Antonio Local Chapter (2016-present), Member of the Management & Professional Liability Committee
- Travis County Women Lawyers Association, Member

## **Speeches and Presentations**

- *Sexual Harassment and LGBT Issues in Employment Law*, Austin Bar Association Labor & Employment Section Monthly Meeting, April 3, 2019
- *The #MeToo Movement & Its Impact on Employment Claims & Coverage*, American Bar Association Women in Insurance Conference, November 8, 2018
- *Reptile Theory in Employment Cases*, CLM Management & Professional Liability Conference, June 21, 2018
- *Employment Law from A to Z and ADA, FMLA, Workers' Comp Bermuda Triangle*, Independent Insurance Agents of Dallas, Inc. Monthly Meeting, August 16, 2017
- *Shining Some Light on the Installation of Solar Panels in Deed Restricted Communities*, State Bar of Texas Webcast, March 9, 2017
- *The FLSA, Overtime, and Camps*, and *The ADA and Its Application to Campers*, CAMPference, March 6, 2017
- *Updating the FLSA Regulations, Hot-Button Issues, and Strategies for Avoiding Liability*, Austin Bar Association Labor & Employment Section Meeting, September 7, 2016
- *The DOL's Final Overtime Regulations*, Austin Human Resource Management Association (AHRMA) Annual Conference, July 29, 2016
- *Religious Freedom & Expression in Employment*, CLM Professional Liability Conference, July 14-15, 2016
- *Everything You Need to Know About Pregnancies and Breastfeeding in the Workplace*, Webinar, June 15, 2016
- *The Fair Labor Standards Act: Overview of White Collar Exemptions and Coming Changes*, Austin Bar Association, Bench Bar Conference, April 15, 2016
- *Navigating the Minefield: Best Practices When Terminating Employees*,

Association of Corporate Counsel Houston Chapter Meeting CLE, March 10, 2016

## Professional Recognition

- Named among "Austin's Top Attorneys 2020" by *Austin Monthly Magazine*
- *Texas Super Lawyers*® - *Super Lawyer* for Employment Litigation 2019
- *Texas Super Lawyers*® - *Up-and-Coming 50 Women*: 2017 and 2018 Texas Rising Stars List
- *Texas Super Lawyers*® - *Rising Stars* - 2007, 2008, 2011-2018
- Designation of Certified Litigation Management Professional: CLM Litigation Management Institute, hosted at Loyola University Chicago School of Law – October 2017
- *H Texas Magazine*, Houston Professionals on the Fast Track, 2008-2009

## Languages

- Spanish

## Publications

July 10, 2020

**Supreme Court Reaffirms and Clarifies Ministerial Exception to Employment Discrimination Laws Under First Amendment's Religion Clause**

June 15, 2020

**U.S. Supreme Court Settles Issue of Title VII Protections for LGBTQ+ Employees**

June 4, 2019

**Is Sexual Orientation Discrimination Unlawful? Supreme Court to Decide!**

December 19, 2017

**NLRB Overturns Obama Pro-Union Decisions**

March 3, 2014

**Labor & Employment News: Volume 2014, Issue 1**

June 14, 2013

**Labor & Employment News: Volume 2013, Issue 1**

March 13, 2013

**Revised FMLA Regulations Effective March 8, 2013**

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**

September 11, 2009

**Labor & Employment News: 2009, Issue 3**

June 1, 2009

**Labor & Employment News: 2009, Issue 2**

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**

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**

January 15, 2007

**New Federal Rules Address "Electronically-Stored Information"**

January 2, 2007

**Labor & Employment News: Volume 8, Issue 1**

December 6, 2006

**Preparation and Strategy Considerations in Filing and Prosecuting Coverage Litigation**

October 9, 2006

**Labor & Employment News: Volume 7, Issue 4**

September 27, 2006

**Only Willful Absences or Tardiness Deductions Allowed with Fluctuating Workweek**

April 10, 2006

**"Sufficiently Definite" Contract is Close Enough — Owner Qualifies as Additional Insured**

April 3, 2006

**Coverage News: Volume 6, Issue 1**

March 31, 2006

**Job Coach May Be A “Reasonable Accommodation”**

March 1, 2006

**Labor & Employment News: Volume 7, Issue 2**

October 15, 2005

**Asbestos-Related Disease: Not a “Bodily Injury by Accident”**

December 6, 2004

**The Unqualified Defense Under Traver and Davalos**