



## Thomas R. Simmons

### Partner

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Thomas R. Simmons chairs the Tucker Ellis Business Litigation Group and its Labor & Employment Group.

His practice focuses on employment law and complex employment and commercial litigation. He has defended employers in a wide variety of employment lawsuits involving wrongful discharge, discrimination, workplace harassment, whistleblower, non-compete agreements, trade secrets, ERISA, FMLA, FLSA, and work-related tort claims. Tom has extensive experience with multi-plaintiff litigation and has defended numerous employment and commercial class actions. He has mediated and arbitrated dozens of matters before the AAA, JAMS, EEOC, and federal and state court systems, and has extensive trial experience.

Tom also advises employers regarding employment contracts, severance agreements, internal investigations, arbitration programs, drug testing programs, background checks and investigations, employee handbooks, plant closings, reduction-in-force laws, and wage/hour and whistleblower law compliance. He is a regular speaker, trainer, and writer on employment law and litigation topics.

### Education

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- Case Western Reserve University School of Law (J.D., magna cum laude, 1993)
- Case Western Reserve University (B.S., 1989)

### State Admissions

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- Ohio, 1993

### **Federal Admissions**

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- United States Court of Appeals, Sixth Circuit
- United States District Court, Eastern District of Michigan
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

### **Service Areas**

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- Labor & Employment
- Business Litigation
- Class Action Litigation
- Educational Institutions

### **Experience**

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- Tried numerous cases to verdict involving claims of wrongful discharge, retaliation, breach of contract, unjust enrichment, breach of fiduciary duty, partnership profits, unpaid bonuses, sexual harassment, and many types of discrimination
- Obtained summary judgment in two employment class actions
- Obtained the dismissal of a class action on behalf of a major financial institution, which was ultimately upheld by the Ohio Supreme Court
- Represented a wide range of employers in numerous wage and hour law class actions and collection actions under state and federal law
- Represented numerous businesses in temporary restraining order and preliminary injunction proceedings to protect trade secrets and enforce non-competition and non-solicitation agreements

## Publications & Events

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### SPEAKING ENGAGEMENTS

- “Sexual Harassment in the Workplace,” Emerging Topics in Employment & Employee Benefits Law, Tucker Ellis LLP, Columbus, Ohio (April 2018); Cleveland, Ohio (March 2018)
- “Marijuana and Ohio Businesses: Anticipation and Confusion at an All-Time ‘High,’” 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)
- “FLSA Update: What You Need to Know About the DOL’s Wage and Hour Changes,” Hot Topics in Employment & Employee Benefits Law, Tucker Ellis LLP, Columbus, Ohio (November 2016)
- “Wage and Hour Update: The Upcoming Changes to FLSA Overtime Regulations,” Hot Topics in Employment & Employee Benefits Law, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- “Wage & Hour Hot Topics,” 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)
- “The Genetic Information Nondiscrimination Act,” Genomic Medicine Institute’s Genetics Education Symposium (September 2014)
- “Recent Developments in Employment Class Actions,” Ohio Labor and Employment Law Institute (July 2010)
- “The Genetic Information Nondiscrimination Act,” Conversations 2010: Healthcare, Tucker Ellis LLP (March 2010)
- “Electronic Discovery,” Advanced Federal Practice Seminar, Federal Bar Association (November 2006)
- “E-mail Alert: Monitoring Policies,” Cleveland HR Star Conference (2004)
- “Wage and Hour Law: Four Common (and Costly) Mistakes,” Cleveland Bar Association Employment Law Seminar (2003)
- “Employment Law Issues Facing Small Employers,” Cleveland Executives Association (September 2001)

### PUBLICATIONS

- “Talking Politics at Work: What Employers Should Know This Election Season,” *Cleveland Metropolitan Bar Journal* (May 2016)
- “Trade Secrets Damages: Understanding the Law is a Framework for Success,” AIPLA White Paper (October 2013)
- “Exempt or Nonexempt: A Practical Guide for Avoiding Common Pitfalls Under the FLSA,” *ACCA Docket* (March 2003)
- “Wage and Hour Law: Four Common (and Costly) Mistakes,” *Andrews Employment Litigation Reporter* (October 2002)

### Honors

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- The Best Lawyers in America® (2014-2022)

### **In the Community**

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- Ohio State Bar Association
  - » Employment Law Committee
- Cleveland Metropolitan Bar Association
  - » Employment Law and Diversity Committees
- Saint Martin de Porres High School, Board of Trustees
- Tucker Ellis Equity & Inclusion Committee