

## WESLEY C. REDMOND

**Partner** / Birmingham

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**With more than 25 years of experience as a labor and employment attorney, Wesley Redmond has a unique approach to litigation and particular experience representing retail clients and religious institutions.**

Wesley is the Office Managing Partner for FordHarrison's Birmingham office. He regularly represents clients in state and federal courts as well as before administrative agencies, and he counsels them in complying with the many federal and state employment and labor laws. His litigation approach is to test as early as possible the validity of claims made by employees before costly discovery begins, which results in significant cost savings for his clients.

Wesley has a unique understanding of the issues facing retailers. He worked his way through college at a local retailer that became a well-known and respected regional brand. After returning to Birmingham from law school in Washington, D.C., he had the privilege of representing that retailer and several others in employment matters.

He also understands the concerns of religious institutions. Growing up a minister's son, and with two brothers who are ministers, Wesley has represented various churches, temples, and religious organizations and institutions in employee-related matters.

In both litigation and counseling, Wesley has represented clients from a number of other industries as well, including the restaurant and service industries, real estate, manufacturing, transportation, construction, computer, health care, educational institutions, and not-for-profit organizations.

In litigation, Wesley's experience covers the spectrum of employment suits, from defending employers against allegations of discrimination, sexual and racial harassment, wrongful discharge and violations of wage and hour laws, to handling cases under the ADA, FLSA, FCRA, ERISA, FMLA, and various retaliatory discharge statutes. He also represents employers in matters involving covenants not to compete, trade secrets, and employment contracts. Recently, he has been involved in various class and

## EDUCATION

- » Georgetown University Law Center (J.D., *cum laude*, 1985)
- » University of Alabama at Birmingham (B.A., *summa cum laude*, 1982)

## BAR ADMISSIONS

- » Alabama

## COURT ADMISSIONS

- » U.S. District Court for the Southern District of Alabama
- » U.S. District Court for the Middle District of Alabama
- » U.S. District Court for the Northern District of Alabama
- » U.S. Court of Appeals for the Eleventh Circuit

collective actions alleging wage and hour and other violations. His early legal experience included a law school clerkship that exposed him to an employment discrimination case before the United States Supreme Court, and, in a separate matter, what was the largest employment discrimination class action ever filed at that time.

Wesley's experience is not limited solely to defense. He provides advice and counsel to clients on how to minimize potential liability under state and federal employment laws, including in connection with mass layoffs and reductions in force, and presents harassment and discrimination, diversity, and wage and hour training for clients. He advises companies concerning employment policies and procedures, employee handbooks, confidentiality agreements, and severance and release agreements.

## Representative Experience

- » Motion to dismiss granted as to all claims in litigation involving providing phantom stock to employee, including claims for breach of contract, fraud, and suppression.
- » Motion to dismiss granted on compensation and benefits claims.
- » Motion to dismiss granted on claims for promotion, disability accommodation, retaliation, hostile work environment, and promissory estoppel.
- » Obtained dismissal at pleading stage of class action allegations in an action with a class alleged to consist of 85,000 current and former employees, resulting in dismissal of the entire claim.
- » Obtained dismissal on the pleadings of constructive discharge claim.
- » Obtained dismissal on the pleadings of equitable estoppel claims of 45 plaintiffs.
- » Obtained dismissal of solicitation of employees claim in the first cases interpreting Alabama's 2016 Non-Compete Act (the "Act") and modification of non-compete agreement to comply with the Act's presumptive time limits: also obtained dismissal of breach of confidentiality provision and defamation claims.
- » Obtained dismissal of claims against national religious denomination for lack of personal jurisdiction in Alabama.
- » Obtained dismissal on the pleadings for franchisor of wage-hours and tort claims by franchisee's employee.
- » Obtained dismissal on the pleadings of race discrimination

claim.

- » Obtained dismissal of retaliation claim for failure to exhaust administrative remedies.
- » Obtained dismissal and summary judgment on various RICO, discrimination, retaliation, and Equal Pay Act claims.
- » Obtained dismissal of discrimination claims in two cases for failure of plaintiffs to disclose assets to the court.
- » Obtained dismissal on the pleadings of various discrimination and retaliation claims.
- » Obtained dismissal of retaliatory discharge claim based on Plaintiff's failure to amend complaint appropriately to add discharge claim.
- » Obtained order preventing claim under the Alabama Sales Representative Act for failing to state a claim.
- » Defense verdict in multi-plaintiff fraud case arising out of agreements with independent contractors relating to workers' compensation and other insurance issues.
- » Obtained protective order prohibiting deposition of Chief Executive Officer of large public company.
- » Prevented class certification in Title VII and fraud actions and avoided certification in various FLSA collective actions.
- » Obtained summary judgment for employer on fraud, promissory estoppel, and outrage claims arising out of termination of employment.
- » Summary judgment granted for employer on Equal Pay Act and retaliation claims.
- » Summary judgment granted for health care provider in age discrimination case alleging constructive discharge, hostile work environment, and discrimination in discipline and pay.
- » Summary judgment granted in Family and Medical Leave Act case for alleged discharge for taking FMLA leave.
- » Summary judgment granted in case alleging multiple instances of race discrimination and violations of the ADA and FMLA.
- » Obtained summary judgment in action asserting sexual harassment, retaliation, and various state law torts.
- » Obtained summary judgment on retaliatory discharge claim following allegations of complaints of racial harassment.
- » Obtained summary judgment on multiple retaliatory discharge claims.

- » Obtained voluntary dismissal by plaintiff of ADA accommodation claim.
- » Obtained summary judgment for educational institution on claims by former student.
- » Obtained verdict in excess of \$500,000.00 for breach of non-solicitation agreement, breach of duty of loyalty, and violation of Alabama Trade Secrets Act.
- » Obtained \$117,000.00 verdict in breach of non-competition and non-solicitation agreement.
- » Obtained preliminary and permanent injunction in non-competition and non-solicitation case against seller of business.
- » Successfully defended employer before National Labor Relations Board in joint-employer claim.
- » Successfully defended employer before Equal Employment Opportunity Commission on claims by independent contractors that they were employees.
- » Obtained determinations from Equal Employment Opportunity Commission that it had no jurisdiction over religious institution.
- » Obtained judgment for employer on claim by sales agent for breach of exclusive dealing contract and against sales agent for amounts owed to employer.
- » Successfully defended employer before OSHA on whistleblower claim.
- » Represented various clients before the Equal Employment Opportunity Commission and obtained "no cause" determinations.
- » Obtained order compelling arbitration of employment discrimination claim based on language in Partnership Agreement.

## Honors & Awards

- » *Best Lawyers in America* - Labor and Employment Litigation (2018 - 2024)
- » AV® Preeminent™ Peer Review Rated by Martindale-Hubbell

## Memberships

- » American Bar Association, Labor and Employment Law and Litigation Sections

- » Alabama State Bar

## News & Insights

- » August 17, 2023 - Birmingham-Based FordHarrison Attorney Listed in 2024 Best Lawyers in America
- » July 08, 2020 - U.S. Supreme Court Rules in Favor of Religious Employers and Trump Administration in Two Important Decisions
- » July 07, 2020 - Lawsuits Against Colleges and Universities for Transitioning from In-Person to Online Classes: The Latest Wave of Covid-19 Litigation
- » June 08, 2020 - Employers' Response to Racial Unrest
- » May 11, 2020 - Alabama Governor's Proclamation Provides Civil Immunities for Businesses

## Events

- » April 09, 2024 - Sweet Home Compliance: Navigating Alabama's Employment Landscape - Complimentary Webinar
- » September 24, 2020 - Where are you on the Continuum? – Cultural Competence and Differences at Work - FordHarrison Diversity Webinar Series
- » Recorded: Thursday, June 11, 2020 - Employers' Response to Racial Unrest - Complimentary Webinar
- » September 26, 2019 - Asking the Right Questions: Avoiding Liability During Employee Interviews - Complimentary Webinar
- » August 22, 2019 - Are You Ready for Alabama's New Pay Equity Law? - Complimentary Webinar

## Offices

- » *Birmingham:*  
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