



Bridget R. Penick

SHAREHOLDER

Des Moines

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Services

Employment, Labor & Benefits

Employment & Labor Litigation

Class Action/Wage & Hour Litigation

Labor Management Relations

Litigation

Immigration

Trade Secrets

Non-Competes

Bridget is a leading litigator whose practice focuses on employment law. Bridget regularly drafts and litigates restrictive covenants, including noncompetition and nonsolicitation agreements.

Bridget represents employers of all sizes in various state and federal courts and administrative agencies. She drafts and counsels employers in human resources policies and procedures, employment discrimination, FMLA, ADA, wage & hour, NLRA issues and union avoidance. She also assists employers with employment-related immigration issues.

Experience

- *Haskenhoff v. Homeland Energy Solutions*, Case No. LACV003210 (Iowa District Court for Chickasaw County) (2019). Joined trial team for two-week retrial of sexual harassment suit on remand from Iowa Supreme Court; resulting in jury verdict for plaintiff in an amount significantly less than first trial's verdict in 2014.
- *Pierce Street Same Day Surgery, L.C. v. Dr. Adam Smith et al.*, Case No. LACV178878 (Iowa District Court for Woodbury County) (2018-19). Obtained temporary injunction against physicians prohibiting them from further violating their restrictive covenants; part of a trial team that obtained a more than \$1.6 million verdict in a business dispute involving breach of restrictive covenants.
- *Karen A. Coss v. Briggs Healthcare d/b/a D-M-S- Holdings, Inc.*, Case: 1:15-cv-06654 (U.S. District Court for Northern District of Illinois Nov. 21, 2018). Won summary judgment for employer in case alleging sex discrimination and sexual harassment.
- *Katecho, Inc. and Surmasis Pharmaceuticals, Inc. v. Continental Manufacturing Chemist, Inc., et al.*, Case No. 4:18-cv-00314 (U.S. District Court for Southern District of Iowa Oct. 16, 2018). Obtained preliminary injunction against three former employees prohibiting them from further violating their restrictive covenants.
- *Prairie Pediatrics & Adolescent Clinic, P.C. vs. Dr. Tina Smith & Tri-State Specialists, LLP*, Case No.: LACV177912 (Iowa District Court for Woodbury County Dec. 22, 2017). Obtained temporary injunction against pediatrician and her new clinic prohibiting her from further violating her noncompetition agreement.

- *Sommese v. American Bank & Trust*, 859 N.W.2d 672 (Iowa Ct. App. 2015). Obtained judgment for mortgage loan originator accused of violating his noncompete agreement and awarded nearly \$1 million in unpaid commissions.
- *American Bank & Trust Co., NA v. Leyden*, 2013 WL 6405161 (Iowa Ct. App. 2013). Defended bank and mortgage loan officers in noncompete case.
- *SCS Property Management, LLC v. Vokes*, 836 N.W.2d 152 (Iowa Ct. App. 2013)
- *S&A Farms, Inc., v. Farms.com, Inc.*, 678 F.3d 949 (8th Cir. 2012)
- *Davis v. TPI Composites, Inc.*, 2011 WL 3706560 (S.D. Iowa 2011)
- *Gibler v. Rosenman's, Inc.*, 798 N.W.2d 737 (Iowa Ct. App. 2011)
- *Ajuoga v. Adventure Lands of America, Inc.*, 791 N.W.2d 427 (Iowa Ct. App. 2010). Successfully obtained summary judgment for employer on pregnancy discrimination claim.
- *Groves v. Cost Planning and Management, Inc.*, 372 F.3d 1008 (8th Cir. 2004). Successfully obtained summary judgment for employer on pregnancy discrimination claim.
- *Van Arkel v. Warren County*, 365 F.Supp.2d 979 (S.D. Iowa 2005). Successfully obtained summary judgment for defendant on age discrimination, gender discrimination, breach of contract and Iowa Wage Payment Collection Law claims.
- *Libel v. Adventure Lands of America, Inc.*, 482 F.3d 1028 (8th Cir. 2007). Successfully obtained summary judgment for employer on ADA and ERISA claims.
- *Henthorn v. Capitol Communications, Inc.*, 359 F.3d 1021 (8th Cir. 2004). Successfully represented individual defendant in sexual harassment claim.
- *In Re Archer Daniels Midland Co.*, 333 NLRB 673 (2001). Successfully represented employer in bargaining unit clarification case.
- *McQuiston v. Great Plains Protein*, (2010). Tried pregnancy discrimination case to jury verdict in favor of employer.
- *Ruby v. Webster County*, Webster County Civil Service Commission (2008). Successfully defended Webster County sheriff in multiday Civil Service Commission hearing.
- Argued age discrimination, sexual harassment and pregnancy discrimination cases before the U.S. Court of Appeals for the Eighth Circuit and obtained decisions affirming awards of summary judgment for employers.
- Perfect record in guiding employers in combating union organizing campaigns.
- Obtained NLRB dismissal of unfair labor practice charges.
- Files numerous H-1b petitions and labor certifications annually with USCIS.
- *Katsar v. Pioneer Hi-Bred Int'l, Inc.*, (S.D. Iowa 2006). Tried disability discrimination, harassment and retaliation case to federal jury verdict in favor of employer.

Credentials

Education

- University of Iowa College of Law, J.D., 1998, *with high distinction*
- Central College, B.A., 1995, *magna cum laude*

Admissions

- Illinois, 1998
- Iowa, 2002
- Nebraska, 2016
- U.S. Court of Appeals for the Eighth Circuit, 2002
- U.S. District Court for the Northern District of Illinois, 1998 (Trial Bar 2015)
- U.S. District Court for the Southern District of Iowa, 2002
- U.S. District Court for the Northern District of Iowa, 2002
- U.S. District Court for the Western District of Wisconsin, 2016
- U.S. Supreme Court, 2020

Recognition

- Fellow, Iowa Academy of Trial Lawyers
- "Lawyer of the Year" Employment Law – Management in Des Moines, *Best Lawyers, 2022-2023*
- *The Best Lawyers in America*, Immigration Law, 2010-present
- *The Best Lawyers in America*, Employment Law - Management; Labor Law - Management; Litigation - Labor and Employment, 2013-present
- *Iowa/Great Plains Super Lawyers*, Super Lawyer – Employment & Labor, *Iowa/Great Plains Super Lawyers*, 2016-present; Rising Star, 2013
- *Martindale-Hubbell AV Preeminent® Peer Review Rated*
- Lawyer of the Year in Des Moines Labor Law – Management, *Best Lawyers*, 2019
- *Chambers USA: America's Leading Lawyers for Business*, Iowa – Labor & Employment, 2008-present
- *Chambers USA: America's Leading Lawyers for Business*, Iowa – Labor & Employment: Immigration, 2010-2013, 2015-2021
- Central College Alumni Award for personal, civic and professional integrity and accomplishment, 2012
- Participant/Honoree, American Bar Association Labor and Employment Law Section Leadership Development Program, 2011

- Young Lawyers Division Award of Merit Recipient, Iowa State Bar Association, 2011
- 40 Under 40, Des Moines Business Record, 2009

Civic & Professional

Professional Activities

- Ballet Des Moines, President, 2022-2023
- Iowa State Bar Association, Member, Ways and Means Committee, 2022
- ABA Labor & Employment Section's Federal Labor Standards Legislation Committee, Management Co-Chair, FMLA Subcommittee, December 2021-Present (previously Committee Fellow 2008-2009, Committee member 2010-present)
- United States District Court for the Southern District of Iowa, Merit Selection Panel, 2020-2021
- Polk County Bar Association, Past-President, Board of Directors, (previously President, President-Elect, Vice President, Secretary and Director)
- Iowa State Bar Association Board of Governors, District 5C Representative, 2017-present
- Iowa State Bar Association, Member, Annual Meeting Committee, 2011-present
- Iowa State Bar Association, Council Member, Section of Labor & Employment, 2004-present
- Iowa State Bar Association, Vice Chair, Continuing Legal Education Committee, 2006-2010
- Iowa State Bar Association, President, Young Lawyers Division, 2007-2008
- Iowa State Bar Association, District 5C Representative to Executive Council, Young Lawyers Division, 2003-2005
- Iowa State Bar Association, Professional Development Committee Co-Chair, Young Lawyers Division, 2004-2005
- Iowa State Bar Association, Volunteer Mock Trial Judge
- American Bar Association, Member
- American Bar Association, Member, Labor and Employment Law Section
- American Bar Association, Vice Chair, Young Lawyers Division Labor and Employment Law Committee, 2008-2009
- American Bar Association, Member, Advisory Panel, 2006-present
- American Bar Association, Member, Litigation Section
- Iowa Supreme Court Grievance Commission, Member, 2006-present
- Iowa Legal Aid Central Iowa Advisory Council, 2014-present

- Litigation Counsel of America™, Charter Fellow
- Blackstone Inn of Court, Barrister
- Polk County Women Attorneys, Member
- *Iowa Law Review*, Managing Editor, 1997-1998

Community

- Polk County Volunteer Lawyers Project, Volunteer Lawyer
- *The Nutcracker Production*, Ballet Des Moines, Volunteer
- Ballet Des Moines, Board of Directors, 2014-present
- Girls Rock!DSM Board of Directors, Secretary, 2014-present
- Woodland Creek Reserve Homeowners Association, Secretary, 2014-present

News

Firm News | 09.06.2022

Bridget Penick Named President of Ballet Des Moines

Firm News | 08.17.2022

Bridget Penick Appointed to Ways and Means Committee of the Iowa State Bar Association

Speaking Engagements

Event | 10.28.2022

Des Moines Employment Law Seminar

Event | 10.18.2022

Fredrikson & Byron's 38th Annual Employment & Labor Law Seminar

Event | November 2020

Employment and Labor Law Webinar Series 2020

Legal Updates

Legal Update | 09.29.2020

Question of the Day: Iowa Department of Public Health Departs from CDC Guidance on Quarantining

Legal Update | 09.18.2020

Question of the Day: Social Media Policies

Legal Update | 09.15.2020

Question of the Day: Health Care Providers Exempted from FFCRA Leave

Legal Update | 08.14.2020

Question of the Day: Health Care Provider Definition of the FFCRA

Legal Update | 07.23.2020

Question of the Day: DOL's Guidance on Return to Work and Remote Work

Legal Update | 07.02.2020

Question of the Day: COVID-19 Antibody Testing

Legal Update | 06.22.2020

Question of the Day: COVID-Related Lawsuit Protection

Legal Update | 06.16.2020

Question of the Day: Form I-9 Physical Presence Requirements Update

Legal Update | 06.03.2020

Question of the Day: CDC Guidance for Office Buildings

Legal Update | 05.18.2020

Question of the Day: Form I-9 Physical Presence Requirements

Legal Update | 05.05.2020

Employment Question of the Day: May 5, 2020

Legal Update | 04.13.2020

Employment Question of the Day: April 13, 2020

Legal Update | 03.30.2020

COVID-19: What the CARES Act Means to Employers

Legal Update | 12.06.2019

Waterloo, Iowa's "Ban the Box" Ordinance: What Waterloo Employers Need to Know

Legal Update | 10.01.2019

The 2020 Overtime Pay Rule: What Employers Need to Know

Legal Update | 09.07.2017

What a Difference a Year Makes: An Update on the DOL's Over Time Rule

Legal Update | 10.27.2016

Time Off to Vote in Iowa

Legal Update | 03.30.2015

Employer Confidentiality Rules and Other Policies: NLRB Report Discusses Lawful and Unlawful Language

Legal Update | 04.09.2014

Adjuncts and Athletes: Unions and the Academy

Legal Update | 03.03.2014

Making Up For Lost Time: The NLRB's Ambitious Agenda

Publications & Presentations

"Employment Law-NonCompetes," 60th Annual Seminar for the Iowa Academy of Trial Lawyers, February 24, 2022

Co-Presenter, "Family and Medical Leave Act: Opinions, Outcomes and Oddities," ABA Section of Labor and Employment Law Federal Labor Standards Legislation Committee Meeting, February 18, 2022

Interviewed in "Iowa Business Report," Totally Iowa Media, December 6, 2020

Co-Presenter, "Remote Workers – Here to Stay?" Fredrikson & Byron's Employment & Labor Law Webinar Series, November 12, 2020

Co-Presenter, "Federal & State Updates From 2020," Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 27, 2020

Co-Presenter, "The Evolving Workplace During COVID-19," hrsimple Webinar, June 30, 2020

Presenter, "Expert Insight in the Wake of COVID-19 on Iowa's Unemployment Compensation Policies," Iowa Association of Business & Industry Webinar, May 20, 2020

Co-Presenter, "Your Return to Work Blueprint," Fredrikson & Byron Employment & Labor Webinar, May 8, 2020

Presenter, "Handbook Hangups: Ensuring Your Policies are 100," Fredrikson & Byron's Employment Law Seminar, Des Moines, IA, October 4, 2019

Co-Presenter, "Investigating Complaints in Today's Workplace," Fredrikson & Byron Event, May 23, 2019

Co-Presenter, "A 360 View – Hiring and Work Visa Strategies for Foreign Nationals," Human Resources Association of North Iowa (HRANI) Employment Law Conference, November 13, 2018

Presenter, "2018 Employment Law Trends," Fredrikson & Byron's Employment Law Seminar, West Des Moines, IA, September 27, 2018

Co-Presenter, "Sexual Harassment: What Should Employers Do Now?" Fredrikson & Byron Employment & Labor Law Program, May 16, 2018

Trainer, "Ensuring a Respectful Workplace," Fredrikson & Byron, April 2018

Instructor, "Employment Privacy Claims," Central Iowa SHRM HR-Related Law Series, February 2018 (annually recurring)

Instructor, "Understanding the FMLA," Central Iowa SHRM HR-Related Law Series, October 2017 (annually recurring)

Presenter, "2017 Employment Law Changes," Fredrikson & Byron's Employment Law Seminar, West Des Moines, IA, September 27, 2017

Presenter, "Interview Hiring Dos and Don'ts," Fredrikson & Byron's Employment Law Seminar, West Des Moines, IA, September 27, 2017

Presenter, "Representing Employers in Labor and Employment Issues," ISBA Bridge The Gap Seminar, September 14, 2017

Contributing Author, "The Fair Labor Standards Act," ABA Section of Labor and Employment Law/Bloomberg BNA, 2014-present

Contributing Author, "The Family and Medical Leave Act," ABA Section of Labor and Employment Law/Bloomberg BNA, 2013-present

Author, Polk County Bar Association President's Message, December 2016-January 2017

Author, Polk County Bar Association President's Message, October-November 2016

Presenter, "The Evolving Status of Joint Employment," Fredrikson & Byron's 32nd Annual Employment & Labor Law Seminar, October 26, 2016

Co-Presenter, "EEOC Insights," Fredrikson & Byron's 32nd Annual Employment & Labor Law Seminar, October 26, 2016

Presenter, "2016 Employment Law Developments," Fredrikson & Byron's Employment Law Seminar, Des Moines, Iowa, October 6, 2016

Co-Author, "Model Policies and Forms for Iowa Employers," American Chamber of Commerce Resources, 2016

Presenter, "Employment Law: FLSA, Issues & Strategies for the Trial Lawyer," Iowa Academy of Trial Lawyers Seminar, February 25-26, 2016

Instructor, "2016 Spring HR Law Series-Employment Privacy Claims," Central Iowa Chapter of the Society for Human Resource Management, February 8, 2016

Presenter, "Federal Employment Law Developments," Polk County Bar Association Fall General Practice CLE, Des Moines, IA, November 20, 2015

Presenter, "Employment Law for Business Lawyers," Business Law CLE sponsored by the University of Iowa College of Law, Iowa City, IA, November 13, 2015

Presenter, "Curiouser and Curiouser! Employment Law Developments" and "Bonus Session: Immigration Compliance Update," Fredrikson & Byron's Employment Law Seminar, Des Moines, Iowa, September 24, 2015

Presenter, "Legislative, Administrative, and Executive Employment Law Developments," Iowa State Bar Association Bridge the Gap Seminar, May 14, 2015

Presenter, "Help Wanted: Understanding the HR Implications of a Growing Workforce," Fredrikson & Byron and Banker's Trust Breakfast Series Part 3, Des Moines, Iowa, December 4, 2014

Presenter, "Employment Law Update," Polk County Bar Association Fall CLE, November 21, 2014

Presenter, Fredrikson & Byron's 30th Annual Employment & Labor Law Seminar, October 28, 2014

Presenter, "New Legislative, Administrative and Executive Developments," Fredrikson & Byron's Employment Law Seminar, Des Moines, Iowa, October 7, 2014

Presenter, "The Ins and Outs of Personnel Files," Fredrikson & Byron's Employment Law Seminar, Des Moines, Iowa, October 7, 2014

Co-Presenter, "Documenting the M&A Deal," Fredrikson & Byron's Bank and Finance Seminar: Key Developments that Every Banker Should Know, August 20, 2014

Presenter, Growing Pains: Compliance Strategies for Employers, July 10, 2014

Presenter, "Immigration Law for Businesses," 2014 Bridge the Gap Seminar, Des Moines, Iowa, May 8, 2014

Presenter, "Privacy in the Workplace," Central Iowa Chapter of the Society for Human Resource Management, Training for HR Law Series, West Des Moines, Iowa, February 24, 2014