



Bryan J. Morben

SHAREHOLDER

Minneapolis

612.492.7002

bmorben@fredlaw.com

Services

Employment, Labor & Benefits

Employment & Labor Litigation

Litigation

Class Action/Wage & Hour Litigation

Construction

Labor Management Relations

Non-Competes

Trade Secrets

Bryan counsels and defends employers on a wide range of workplace issues.

Bryan advises clients of all sizes on employment and business issues ranging from their day-to-day concerns to their most pressing employee issues. He is an experienced and skilled litigator who has successfully defended:

- Employment discrimination claims
- Sexual harassment claims
- Wrongful termination claims
- Whistleblower/Retaliation claims
- Equal Pay Act claims
- Individual and collective action wage claims
- Non-compete and non-disclosure disputes
- ERISA litigation matters involving delinquent fringe benefit contributions, withdrawal liability, denial of benefit claims, and fiduciary duty disputes
- Other employment- and business-related disputes and claims

Bryan has experience with a wide variety of state and federal employment laws and has represented clients before state and federal agencies such as the Minnesota Department of Human Rights (MDHR) and the Equal Employment Opportunity Commission (EEOC), state and federal courts at the trial and appellate levels, and private mediations and arbitrations. He also has expertise drafting and litigating non-compete agreements and other restrictive covenants, as well as defending class and collective action wage and hour litigation.

Bryan also has significant experience involving labor and union disputes. He counsels both union and non-union employers on their obligations under the National Labor Relations Act (NLRA), has handled and obtained favorable results in grievance and interest arbitrations, has successfully defended employers against unfair labor practice charges before the National Labor Relations Board (NLRB), and has carefully guided businesses through union election/decertification petitions and collective bargaining negotiations.

Additionally, Bryan has substantial past experience representing multiemployer employee benefit plans governed by the Employee Retirement Income Security Act (ERISA) in litigation matters, including delinquent fringe benefit contributions, employer withdrawal liability, fiduciary duty claims, and other benefits-related litigation. He now offers employers a unique and rare expertise in defending such claims.

Prior to joining Fredrikson, Bryan practiced employee benefits and employment law at an AmLaw 200 firm. While obtaining his J.D. from the University of Minnesota, he represented clients as a student attorney in the Minnesota Insurance Law Clinic, served as a judicial extern for the Honorable Susan N. Burke of the Hennepin County District Court and worked as a law clerk for the St. Paul City Attorney's Office.

Experience

- Negotiated collective bargaining agreements for multiple nonprofit journalism enterprises following the organization of their nonsupervisory employees.
- Successfully dismissed class-action Title VII sex discrimination claims against a client.
- Successfully defended age discrimination claim against client through trial resulting in dismissal of claim.
- Obtained summary judgment dismissing claims of breach of noncompete contract and tortious interference against clients.
- Dismissed collective action wage and hour claim against client and successfully defended appeal.
- Obtained favorable award for client in a multi-day combined grievance and interest labor arbitration.
- Successfully defended dismissal of Title VII retaliation claim based on request for religious accommodation on appeal.
- Obtained dozens of no probable cause determinations on EEOC, MDHR, and other state agency charges of discrimination.
- Successfully defended numerous unfair labor practice charges before the NLRB.
- Successfully dismissed wage and hour claims against publicly traded client at the pleadings stage.
- Negotiated favorable settlement of employer withdrawal liability assessment of more than \$5.9 million against client down to \$2.3 million just before arbitration hearing.
- Successfully litigated and settled dozens of ERISA litigation matters involving delinquent fringe benefit contributions, employer withdrawal liability, denial of benefits claims, breach of fiduciary duty claims and others.
- Defended plumbing and excavation contractors in dispute with unionized multiemployer benefit fund dispute about alter ego liability.

- Represented multiple contractors/subcontractors in negotiating Project Labor Agreements.
- Represented asbestos remediation company in delinquent contributions dispute with unionized multiemployer benefit funds.
- Assisted and advised numerous construction companies on general labor law, collective bargaining, and other union-related obligations and rights.

Credentials

Education

- University of Minnesota Law School, J.D., *magna cum laude*
- St. Cloud State University, B.A., *summa cum laude*

Admissions

- Minnesota
- North Dakota
- U.S. District Court for the District of Minnesota
- U.S. District Court for the District of North Dakota
- U.S. District Court for the Western District of Wisconsin
- U.S. District Court for the Eastern District of Michigan
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Supreme Court

Clerkships

- Judicial Extern, Honorable Susan N. Burke, Hennepin County District Court
- Law Clerk, St. Paul City Attorney's Office

Recognition

- *Best Lawyers: Ones to Watch*, Litigation-Labor and Employment, 2021-2022, 2024
- *Minnesota Super Lawyers Rising Star*, Employment Litigation: Defense, 2018-2023
- North Star Lawyer, Minnesota State Bar Association, 2018-2021
- Excellence in Leadership Award Recipient, St. Cloud State University, 2011

Civic & Professional

Professional Activities

- American Bar Association
- Hennepin County Bar Association
- State Bar Association of North Dakota
- Minnesota State Bar Association, Labor and Employment Law Section Council, 2021-present
- *Minnesota Journal of Law, Science & Technology*, Managing Editor, 2013-2014

Community

- Minnesota State High School League (MSHSL) Football Official, 2015-present
- Daily Work, Board of Directors, May 2022-present

News

Firm News | 08.17.2023

Fredrikson Attorneys Recognized in The Best Lawyers in America© 2024

Firm News | 07.17.2023

Fredrikson Attorneys Named 2023 Minnesota Super Lawyers and Rising Stars

Firm News | 06.16.2022

Fredrikson & Byron Attorneys Recognized as North Star Lawyers

Firm News | 08.31.2021

Fredrikson & Byron Announces New Shareholders

Speaking Engagements

Event | October 24 & 26, 2023

Fredrikson's 39th Annual Employment & Labor Law Seminar

Event | November 2022

Employment and Labor Law Webinar Series 2022

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 | 02.23.2023
The NLRB Strikes Back: Time to Revisit Your Separation Agreements

Legal Update | 12.16.2022
NLRB Issues Quartet of New Cases on Labor Rights

Legal Update | 09.18.2020
Question of the Day: Social Media Policies

Legal Update | 07.08.2020
Question of the Day: Minnesota Preparedness Plan Requirements

Legal Update | 06.24.2020
Question of the Day: Minneapolis Earned Sick and Safe Time Ordinance

Legal Update | 05.01.2020
Employment Question of the Day: April 30, 2020

Legal Update | 04.22.2020
Employment Question of the Day: April 22, 2020 - Part 2

Legal Update | 04.03.2020
Employment Question of the Day: April 3, 2020

Legal Update | 05.24.2018
Supreme Court Upholds Validity of Class Waivers in Employment Agreements

Publications & Presentations

Co-Presenter, *Tools for Your Toolbox: Advanced Leave and Accommodation Issues for Employers*, 2023 Upper Midwest Employment Law Post-Institute Webcast, August 2, 2023

Presenter, *Labor Law 101: A Guide for Construction Attorneys*, Iowa State Bar Association Construction Law Spring CLE, May 16, 2022

Co-Presenter, *Tools for Your Toolbox: Advanced Leave and Accommodation Issues for Employers*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, On-Demand Webinar, October 2021

Co-Presenter, *Litigation Trends in the COVID-19 Era*, Fredrikson & Byron's Employment & Labor Law Webinar Series, November 19, 2020

Co-Presenter, *Confronting Workplace Bullying: When The Bully Is On Payroll*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Presenter, *Five (Okay Seven!) Key Disability Accommodation Tips and Strategies*, Twin Cities Hospitality Professionals Association Meeting, October 10, 2019

Co-Presenter, *Best Practices to Avoid Wage and Hour Litigation*, Fredrikson & Byron's 34th Annual Employment & Labor Law Seminar, November 1, 2018

"The Fight Against Oppression in the Digital Age: Restructuring Minnesota's Cyberbullying Law to Get with the Battle," *Minnesota Journal of Law, Science and Technology*, 2014

"The Ability of Hedge Fund Advisers to Manipulate the Market and Make Millions Doing It: The Battle Over Herbalife and the Need to Extend the Investment Advisers Act," *New York Business Law Journal*, 2013

Blog Posts

The Construction Counselor | 07.27.2023

General Contractors Beware: New Wage Protections for Minnesota Construction Employees