



Joseph M. Sokolowski

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Services

Class Action/Wage & Hour
Litigation

Employment, Labor &
Benefits

Employment & Labor
Litigation

Litigation

Non-Competes

Trade Secrets

Shareholder & Partnership
Disputes

Joe Sokolowski is an accomplished employment litigator with more than 35 years of experience in courtrooms across the country.

He defends employers in complex, high stakes collective/class action litigation involving Federal (FLSA) and state wage and hour claims. Recent examples of Joe's courtroom success include:

- Defeating conditional certification of collective/class action in FLSA misclassification case in Middle District of Tennessee Federal Court.
- Obtaining voluntary dismissal of FLSA putative class allegations in FLSA "off-the-clock" litigation.
- Obtaining dismissal of putative class/collective action litigation in Texas Federal District Court through class/collective action waiver in arbitration agreement.
- Obtaining summary judgment dismissal of all FLSA claims in a nationwide class of retail store managers.
- Defeating Rule 23 class certification of Illinois sales representative overtime claims.
- Obtaining summary judgment dismissal of all Plaintiffs' FLSA and North Dakota state law claims in multi-Plaintiff on-call time litigation.
- Obtaining summary judgment dismissal of all claims in a certified class under the Illinois Wage Payment and Collection Act, affirmed by the 7th Circuit Court of Appeals.
- Obtaining a stay of a putative class action case in New York Federal District Court and an order requiring Plaintiffs to pay Defendants' attorneys' fees.
- Obtaining dismissal of putative class/collective action litigation in Colorado Federal District Court through class/collective action waiver in arbitration agreement.

Another significant part of Joe's practice is representing organizations in "bet-the-company" business tort litigation involving non-compete agreements, trade secrets and confidential information. His courtroom victories are regularly sustained in the appellate courts.

Joe's commitment to excellence in the practice of law has resulted in his recognition in *Best Lawyers in America*® for Litigation - Labor & Employment in Minnesota, as a *Minnesota Super Lawyer* for Employment Litigation for 24 consecutive years, as one of Minnesota's top 40 employment litigators, and as *Martindale-Hubbell-AV*® Peer-Review Rated since 1998.

Joe developed his strong work ethic working and paying his way through high school, college and law school, with the following odd, and not so odd, jobs: paper boy, janitor, gas station attendant, highway worker, steel company laborer, Alaskan fish processor, assembly line worker, journalist and law clerk.

Experience

FLSA Collective/Class Actions

- *Osorio, et al. v. The Tile Shop, LLC*, Federal District Court (IL) – defended national tile retailer in FLSA and Illinois state wage and hour class action.
- *Humphreys, et al. v. Neset Consulting Service, Inc.*, Federal District Court (MT) – defended FLSA class challenges to wellsite geologists independent contractor classification.
- *Burruss, et al v. Wyoming Casing Services, Inc., et al.*, Federal District Court (ND) – negotiated successful DOL settlement and defended remaining FLSA and state law overtime claims of nationwide class of casing workers.
- *Lyman, et al. v. Gas Gathering Specialists, Inc.*, Federal District Court (MN) – defending pipeline inspection company in FLSA overtime class/collective action.
- *Deutsch, et al. v. My Pillow*, Federal District Court (MN) – defending national pillow retailer in FLSA call center “off-the-clock” class/collective action.
- *Rebischke, et al. v. The Tile Shop, LLC*, Federal District Court (MN) – defended publicly traded national tile retailer in nationwide store manager FLSA exemption case.
- *Cline, et al. v. DC Power Tong, LLC*, Federal District Court (ND) – defended FLSA and North Dakota state law overtime claims in casing industry.
- *Marlow, et al. v. Mid-South Maintenance of Tennessee, LLC*, Federal District Court (TN) – defended building equipment contractor in FLSA misclassification class/collective action.
- *Diaz, et al. v. Dakota Travel Nurse, Inc.*, Federal District Court (ND) – defended FLSA and North Dakota class/collective action overtime claims.
- *Browne, et al. v. Cypress Energy Management, LLC, et al.*, Federal District Court (ND) – defended publicly traded energy company in multi-Plaintiff FLSA/North Dakota state law on-call time case.
- *Davis, et al. v. Hairstylist Management Systems, Inc.*, Federal District Court (FL) – defended salon chain in multi-Plaintiff FLSA overtime case.

- *Nerland et al. v. Caribou Coffee Co.*, Federal District Court (MN) – defended international coffee retailer in store manager exemption FLSA collective/class action.
- *Perry, et al. v. Mid-South Maintenance of Tennessee, LLC*, Federal District Court (TN) – defended building equipment contractor in FLSA “off-the-clock” class/collective action.
- *Kalish et al. v. High-Tech Institute*, Federal District Court (MN) – defended national career college in instructor classification FLSA collective/class action.
- *Fogelsong, et al. v. Marquis Metal Works, LLC*, Federal District Court (ND) – defended oil field welding contractor in FLSA class/collective action alleging independent contractor misclassification.
- *Pallansch et al. v. Nations CareLink LLC*, Federal District Court (MN) – defended national health screening company in off the clock/on call FLSA collective action.
- *Hale et al. v. ABRA Autobody and Glass*, Federal District Court (MN) – defended national auto repair company in FLSA collective/class action manager exemption case.
- *Ahle et al. v. Veracity Research Co.*, Federal District Court (MN) – defended national private investigation company in misclassification FLSA collective/class action.
- *Thomas et al. v. Cascade Mortgage Co.*, Federal District Court (MN) – defended mortgage lender in minimum wage/overtime FLSA collective/class action case.
- *White et al. v. Skyway Lounge, Inc.*, Federal District Court (MN) – defended nightclub in entertainer misclassification FLSA collective/class action case.
- *Chin, et al. v. The Tile Shop, LLC*, Federal District Court (MN) – defended publicly traded national tile retailer in nationwide sales associate FLSA minimum wage/overtime case.

Noncompete, Trade Secret, Business Litigation

- *Wells Fargo Insurance Services v. Kansas City Services of Lockton Companies, LLC* (Financial Services Industry) successfully defended world’s largest privately-held insurance broker in noncompete/tortious interference litigation.
- *Sysdyne Corporation v. Xigent Solutions, et al.*, Hennepin County District Court, MN Court of Appeals, MN Supreme Court, (IT Consulting Industry) – successfully defended against competitors’ illegal competition claims at trial and sustained trial court’s decision at MN Court of Appeals and MN Supreme Court.
- *Wells Fargo (Acordia of MN) v. Cobb Strecker*, AAA Arbitration (Financial Services Industry) – arbitrated insurance broker’s solicitation of bond brokers resulting in significant arbitration award.
- *Bell America Mortgage LLC v. Lakeland Mortgage et al.*, Hennepin County District Court (Financial Services Industry) – sued competitor in mortgage loan industry to enforce noncompete agreements resulting in significant monetary settlement.

- *United Products Corporation v. Alcoa Home Exteriors*, Minnesota Court of Appeals (Home Improvement Industry) – advised on hiring of national competitor’s employee, defeated motions for injunctive relief, and sustained decisions on appeal.
- *Vital Images v. Visage Imaging, Inc., et al.*, Federal District Court (MN) (Medical Device Industry) – obtained TRO to prevent competitor’s violation of noncompete agreement in medical imaging industry, resulting in permanent consent injunction.
- *Hagen v. Burmeister*, Minnesota Supreme Court (Insurance Industry) – sustained Appellate Court ruling of no liability for insurance company hiring of competitor’s employee.
- *Arizant Healthcare Inc. et al. v. Gust*, Federal District Court (MN) (Medical Device Industry) – obtained summary judgment dismissal of breach of noncompete and trade secret/confidential information claims against 80% market share competitor.
- *Gallipot v. Independent Pharmacy Products*, Anoka County District Court (Pharmaceutical Industry) – obtained TRO enjoining former employee and competitor from misappropriation of trade secrets and breach of noncompete agreement for pharmaceutical company.
- *Network USA v. Network Professionals*, Hennepin County District Court (Professional Networking Industry) – successfully tried noncompete litigation to defense verdict, dismissing all claims.

Employment Litigation

- *Matilla v. One Call Concepts*, Federal District Court (OR) (Utility Location Industry) – obtained summary judgment dismissal of disability and sex discrimination claims.
- *Wikstrom v. Reell Precision Mfg.*, Ramsey County District Court (Manufacturing Industry) – obtained directed verdict in jury trial and dismissal of all claims brought by former CEO for various discrimination, contract and quasi contract claims.
- *Stryker v. Wells Fargo (Acordia of MN)*, Hennepin County District Court (Financial Services Industry) – obtained summary judgment dismissal of contract and quasi contract claims.
- *Lutfey v. Porous Media (Pentair)*, Ramsey County District Court (Medical Device Industry) – obtained summary judgment dismissal of disability discrimination and equity claims.
- *Walker v. Saks Fifth Avenue*, Federal District Court (MN) – obtained voluntary case dismissal of race discrimination claims after summary judgment motion.
- *Allen v. Mall of America, et al.*, Federal District Court (MN) (Retail Industry) – defended public accommodation discrimination claims under federal and state law resulting in favorable case resolution.
- *Thomas v. 3M, et al.*, Federal District Court (MN) (Manufacturing Industry) – obtained summary judgment dismissal of race discrimination claims.

- *Peterson v. One Call Concepts; O'Brien v. One Call Concepts*, Federal District Court (MN) (Utility Location Industry) – obtained summary judgment dismissal of FMLA claims in separate lawsuits.
- *Edstrom v. Liberty Diversified Industries*, Federal District Court (MN) (Manufacturing Industry) – obtained summary judgment dismissal of age discrimination claims.
- *Marks v. CPU Options*, Federal District Court (MN) (Computer Industry) – obtained dismissal of religious discrimination claims on summary judgment.
- *Green v. Sports Restaurants*, Hennepin County District Court – obtained summary judgment dismissal of sex harassment claims.

Commercial Litigation

- *OAS v. Litton Systems*, Hennepin County District Court (Home Appliance Industry) – obtained jury verdict of no liability for international home appliance manufacturer on warranty and related claims.
- *Sun Patio v. Alcoa (Rio Algon)*, Wright County District Court (Aluminum Industry) – defended Alcoa at trial and obtained jury verdict of “zero” on boat manufacturer’s contract and warranty claims and obtained recovery on Alcoa’s counterclaims.

Antitrust

- *In Re Milk Products Litigation*, Federal District Court (MN) and Minnesota Appellate Court – obtained Rule 12 dismissals for dairy producers in state and federal court for price fixing allegations under Sherman Act.
- Represented company before Department of Justice as part of antitrust investigation of General Mills/Pillsbury merger.

Credentials

Education

- William Mitchell College of Law, J.D., 1986
- St. John’s University, B.A., 1980

Admissions

- Minnesota, 1986
- Minnesota Supreme Court, 1986
- U.S. District Court for the District of Minnesota, 1986
- U.S. District Court for the District of North Dakota, 2016
- U.S. District Court for the District of Colorado, 2019

- U.S. Court of Appeals for the Eighth Circuit, 1986
- U.S. Court of Appeals for the Seventh Circuit, 2018

Recognition

- *Best Lawyers in America*, Litigation-Labor and Employment, 2015-2024
- *Minnesota Super Lawyers*, Employment Litigation: Defense, 1998-2023
- *Martindale-Hubbell AV® Peer Review Rated*, 1998-2023
- North Star Lawyer, Minnesota State Bar Association, 2012
- Top 40 Best Employment Lawyers in Minnesota, *Minnesota Law and Politics*

Civic & Professional

Professional Activities

- Meritas (f/k/a Commercial Law Affiliates, world's largest affiliation of A-V rated independent law firms), Board of Directors, 1999-2002
- Meritas, Labor and Employment Section, Chair, 1996-1999
- American Bar Association, Labor and Employment Law Section, Member
- Minnesota State Bar Association, Member,
- Hennepin Bar Association, Labor and Employment Law Section, Member
- University of Minnesota Amplatz Children's Hospital, Board of Directors

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

Article | 08.18.2022

Fredrikson & Byron Attorneys Recognized in The Best Lawyers in America© 2023

Speaking Engagements

Event | October 24 & 26, 2023

Fredrikson's 39th Annual Employment & Labor Law Seminar

Event | 10.18.2022

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

Legal Updates

Legal Update | 04.28.2020

Employment Question of the Day: April 28, 2020

Legal Update | 04.08.2020

Employment Question of the Day: April 8, 2020

Publications & Presentations

Co-Presenter, "Pre- and Post-COVID-19 Wage and Hour Issues," Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 26, 2021

Co-Presenter, "COVID-19 Wage and Hour Dilemmas," Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 27, 2020

Co-Presenter, "Top Five Wage and Hour Developments that Will Affect Your Business in 2020," Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

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

Co-Presenter, "Non-Competes Under Siege: How to Protect Your Business from Competitors," Fredrikson & Byron's 33rd Annual Employment & Labor Law Seminar, November 3, 2017

Co-Presenter, "Trade Secrets and Noncompetes from a Litigator's Perspective," Fredrikson & Byron's 32nd Annual Employment & Labor Law Seminar, October 26, 2016

Co-Presenter, "Lessons Learned from *Sysdyne v. Rousslang*," Fredrikson & Byron's 31st Annual Employment & Labor Law Seminar, November 6, 2015

"Do's and Don'ts of Hiring Your Competitor's Employees," Fredrikson & Byron's 30th Annual Employment & Labor Law Seminar, October 28, 2014

"Correcting Wage & Hour Problems – The If, When & How," Fredrikson & Byron's 29th Annual Employment & Labor Law Seminar, November 6, 2013

"Stemming the Growth of Retaliation Claims," Fredrikson & Byron's 28th Annual Employment & Labor Law Seminar, November 7, 2012

“Ten Troublesome Wage and Hour Issues and Their Solutions,” Fredrikson & Byron’s 28th Annual Employment & Labor Law Seminar, November 7, 2012

Presenter, HR Back-to-Basics and Beyond Seminar Series: Wage and Hour Issues, June 21, 2012

“Arbitration Agreements and Class Action Waivers: An Answer to Wage and Hour Litigation Risk?,” *FredNEWS: Employment & Labor*, April 2012

“The Latest Developments in Noncompete, Trade Secrets, and Confidential Information Law,” Fredrikson & Byron’s 27th Annual Employment & Labor Law Seminar, November 10, 2011

“Noncompete Enforcement to Protect Your Company’s Valuable Assets,” and “Cutting Edge Developments in Wage and Hour Litigation,” Fredrikson & Byron’s 26th Annual Employment & Labor Law Seminar, October 7, 2010

Speaker, “Implementing Legally Enforceable Non-Competition/Non-Solicitation Agreements,” Fredrikson & Byron’s Trade Secrets Seminar, April 8, 2010

“Cutting Edge Developments in Wage and Hour Law,” Fredrikson & Byron’s 25th Annual Employment & Labor Law Seminar, October 8, 2009

Speaker, Workforce Reductions and Other Cost Containment Practices: Legitimate Employer Belt-Tightening or Risky—and Expensive—Legal Traps?, April 29, 2009

“How to Avoid Becoming a Wage and Hour Defendant” and “Are Employees Who Complain (or Whine) About Employer Practices Legally Protected,” Fredrikson & Byron’s 24th Annual Employment & Labor Law Seminar, October 30, 2008

“Same-Sex Marriage Implications for Minnesota Employers,” *FredNEWS: Employment & Labor*, September 2008

Co-Author, “Are You Vulnerable to a Tip-Pooling Claim?,” *FredNEWS: Employment & Labor*, July 2008

“Technology vs. Employee Privacy” and “Current Trends in Wage & Hour Compliance,” Fredrikson & Byron’s 23rd Annual Employment & Labor Law Seminar, October 11, 2007

Co-Author, “Wage and Hour Violations: An Employer’s Single Greatest Uninsured Risk,” *Fredrikson & Byron’s Employment & Labor Focus Newsletter*, May 2007

Speaker, “Wage and Hour Collective Actions,” Fredrikson & Byron’s 22nd Annual Employment and Labor Law Seminar, October 5, 2006

Speaker, “Protecting Your Company’s Most Valuable Assets,” Fredrikson & Byron’s 22nd Annual Employment and Labor Law Seminar, October 5, 2006

“Employment Practices Liability Insurance,” Prosource Educational Services

“Anatomy of an Employment Lawsuit,” Prosource Educational Services

“Sexual Harassment and other Workplace Indiscretions,” Prosource Educational Services

“Taxation of Settlements and Verdicts in Employment Litigation,” Upper Midwest Employment Law Seminar

“Ethical Issues in Employment Litigation,” Upper Midwest Employment Law Seminar