

Charles T. "Chuck" Jeremiah

Shareholder

PRACTICE EMPHASIS:

Labor, Employment and Benefits; Litigation and Dispute Resolution; Government Representation

EDUCATION:

J.D., *cum laude*, Tulane University Law School, 1992
B.B.A., Accounting, Emory University, 1989

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Northern, Southern, Eastern and Western Districts of Texas
U.S. District Court for the District of Columbia
U.S. Court of Appeals for the Fifth Circuit
U.S. Supreme Court



Email: cjeremiah@andrewsmyers.com
Phone: (713) 850-2385
Fax: (713) 850-4211

Profile:

Chuck Jeremiah is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization. He focuses his practice primarily on management/employer-side representation in litigation, regularly counseling human resource professionals on matters concerning compliance, minimization of risk and best practices.

Chuck represents clients in a wide variety of employment matters in the healthcare, government, transportation, energy, hospitality, entertainment and construction industries. He has more than 25 years of experience handling hundreds of litigation matters in federal and state courts including defense in litigation and arbitration forums of both individual and class/collective actions. His representative matters include claims brought under various state and federal statutes such as the Fair Labor Standards Act (FLSA), Title VII and other anti-discrimination and anti-retaliation statutes, and the Family and Medical Leave Act (FMLA). He also has extensive experience drafting employment policies and contracts, and litigating disputes arising out of employment contracts, such as non-compete agreements.

Chuck also dedicates much of his practice to commercial litigation, where he has developed a keen sense of how to assess and minimize risk and efficiently prepare a case for early disposition by motion or for trial. He has broad experience defending and prosecuting claims for breach of contract, misappropriation of trade secrets, tortious interference, unfair business practices and other complex business disputes. In addition, he has represented numerous Texas cities, counties and other units of local government in claims under the U.S. Constitution and the Texas Tort Claims Act.

Professional Recognitions:

Labor & Employment Law, Texas Board of Legal Specialization

Fellow, Houston Bar Foundation

Fellow, Texas Bar Foundation

AV[®] Preeminent[™] Peer Review Rating (5.0 out of 5), *Martindale-Hubbell*

"Texas Super Lawyers," *Texas Monthly*, 2019-2020

Affiliations:

State Bar of Texas, Labor and Employment Law Section

Houston Bar Association, Employment Law Section

Houston Bar Association Fee Dispute Committee, Board Member, 2011-2015 Houston Bar Association Historical Committee, Chair, 2015-2017

Chuck T. Jeremiah

Affiliations (Cont'd)

Houston Bar Association Special Olympics Committee, Co-Chair, 2019-2021 Bar Association of the Fifth Federal Circuit
Society for Human Resource Management
Houston Human Resource Management Association
Texas Farm Bureau

Representative Experience:

LABOR & EMPLOYMENT

- Won summary judgment of a federal claim for race and gender discrimination brought under Title VII and successfully defended dismissal on appeal to the U.S. Court of Appeals for the Fifth Circuit as lead counsel
- Obtained a permanent injunction for a facility maintenance services client against a former employee violating a non-compete clause
- Won a summary judgment of a federal claim for pregnancy discrimination and successfully defended dismissal on appeal to the U.S. Court of Appeals for the Fifth Circuit as lead counsel
- Earned a favorable settlement of claims against a healthcare industry client for alleged wrongful termination in violation of the Texas Nurse Practices Act
- Obtained a permanent injunction in federal court against a former officer of medical technology company for misappropriation of client assets
- Achieved a favorable settlement of claim of age and disability discrimination, avoiding likely "cause" determination by U.S. Equal Employment Opportunity Commission (EEOC)
- Obtained a complete dismissal of wrongful termination case asserting First Amendment, due process and Americans with Disabilities Act claims, upheld on appeal in the U.S. Court of Appeals for the Fifth Circuit
- Won arbitration of race discrimination, due process and Family and Medical Leave Act (FMLA) retaliation case as first chair
- Obtained a summary judgment in federal court on an age, gender and retaliation case for a local governmental entity
- Won a proceeding in the Texas State Office of Administrative Hearings against a county by a deputy for alleged wrongful termination from the county sheriff's office
- Achieved a summary dismissal of two separate lawsuits for violations of the Americans with Disabilities Act and the Fair Labor Standards Act against county
- Obtained a favorable settlement of collective actions under the Fair Labor Standards Act (FLSA) for alleged misclassification of employees as exempt
- Won a dismissal of National Labor Relations Board (NLRB) complaint for lack of jurisdiction
- Assisted a construction client with an organizational restructure to change to an employee based model from an independent contractor
- Won an arbitration of a claim for wrongful termination and violation of the Americans with Disabilities Act and FLSA as lead counsel

COMMERCIAL LITIGATION

- Obtained a dismissal of claims against a corporate officer client accused of defamation/business disparagement for lack of subject matter jurisdiction in South Carolina and defended on appeal
- Recovered a settlement of more than \$6.3 million in favor of client in breach-of-royalty contract claims for inventor of medical device
- Defended a financial lending entity against claims of fraud, and obtained summary judgment in matters filed in arbitration
- Represented a healthcare organization in defense of claims brought by a provider in an arbitration for alleged breach of contract

Chuck T. Jeremiah

Representative Experience (Cont'd)

- Successfully defended a telecommunications client against unreasonable federal court subpoena in multiple venues in New York, Washington, D.C. and Miami
- Defended an investor in a home healthcare services in dispute against a co-investor on breach of contract claims and obtained a favorable settlement resolution
- Prosecuted a dual federal and state court lawsuits for a telecommunications infrastructure company against a lessee resulting in a substantial recovery
- Obtained a dismissal, affirmed by the state Court of Appeals, of a suit against a test preparation company, holding that email messages are intangible property that cannot be the subject of an action for conversion under Texas common law
- Won a summary judgment for an engineering client in a commercial construction case

GOVERNMENT REPRESENTATION

- Achieved a dismissal of constitutional takings and tort claims against a Texas municipality in district court and on appeal in the First Court of Appeals in Houston
- Earned a dismissal on summary judgment of constitutional and racketeering federal claims against city and former mayor
- Obtained a dismissal of a regulatory-taking claim against a Texas municipality
- Represented a city and obtained dismissal of "class of one" equal protection and due process Fourteenth Amendment claims premised upon the city's denial of business license at the trial court and the U.S. District Court for the Fifth Circuit
- Successfully defended a West Texas district attorney and county accused of conspiracy to violate the rights of two individuals who were convicted of capital murder and served 12 years in prison; the individuals' convictions were reversed, and they sued for \$24 million; after a six-week trial, the jury unanimously found in the client's favor on every claim and awarded plaintiffs nothing; the verdict was affirmed on appeal by the U.S. Court of Appeals for the Fifth Circuit
- Earned a dismissal of claims against governmental employees under statutory election of remedies provision of Texas Civil Practice & Remedies Code
- Achieved a reversal of trial court's denial of plea to the jurisdiction for lack of standing under Texas Administrative Procedures Act

Publications:

"Should I Have my Employees Sign a Non-Compete?," AM Monthly Law Alert, August 2021

"Executive Order Concerning Non-Competes Strictly a Suggestion, For Now," AM Monthly Law Alert, July 2021

"The FLSA: The Helix Case Gets a New Twist," AM Law Alert, May 2021

"Baseball Arbitration: Is it in your Wheelhouse?," AM Monthly Law Alert, May 2021

"Is the PRO Act a Con Job?," AM Monthly Law Alert, April 2021

"ARPA and Required Subsidies for COBRA," AM Monthly Law Alert, March 2021

"CDC Allows Gatherings of Vaccinated Individuals – Masks Still Needed in Public Places," AM Law Alert, March 2021

Workplace of the Future: Innovation and Communication Will Be Crucial for Employers, Holland & Knight Alert, May 27, 2020

Fifth Circuit Holds Day Rates Do Not Satisfy the Salary Basis Test, Holland & Knight Alert, April 29, 2020

Modern Slavery in Modern Supply Chains, State Bar of Texas International Law Section International Newsletter, Vol. 1, No. 4, Summer 2019

Chuck T. Jeremiah

Speeches and Presentations:

Back on Board: Avoiding Legal Pitfalls in the Onboarding (and Reboarding) Process , HR Houston, June 11, 2020

HR Toolkit Series Part 3: Keys to Employment Litigation Avoidance, Holland & Knight Webinar, July 24, 2019

Working for You or Working the System? Tips for Dealing with the Most Difficult Employees, Holland & Knight Labor and Employment Law Breakfast Briefing, June 13, 2019

Operate Globally, Comply Locally: The Trend of Municipal Employment Regulation, HR Houston's Gulf Coast Symposium on HR Issues, May 15-17, 2019

Not So Great Expectations: Employee Privacy in the Modern Workplace, HR Houston, February 14, 2019 Houston West Chamber of Commerce 2016 Employment Law Update, Not So Great Expectations: Employee Privacy in the Modern Workplace, November 3, 2016

Emerging Gun Laws: Are Your Policies Missing the Mark, HR Houston, February 10, 2016

Up in Smoke: Zero Tolerance Drug Policies Take a Hit, HR Houston, October 28, 2015

Real Estate Lease and Sale Contracts, Contracts Extraordinary Seminar, Texas Council Risk Management Fund, April 10, 2015

TUTSA/Trade Secrets for Engineers, IEEE General Meeting, March 23, 2015

Employment Discrimination Issues: Investigation, Claims and Litigation, Manager Training Seminar, May 2014 Wage and Hour Claims Under the FLSA, BCH Seminar, May 2014

Who's the Boss? The Supreme Court Defines "Supervisor" for Title VII Cases, HR Houston General Meeting, February 2014

Americans with Disabilities Act and Law Enforcement Activities, State Bar of Texas Annual Suing and Defending Governmental Entities Course, July 2013

National Labor Relations Act Complaints, Texas Council Risk Management Fund, May 2012

Claims Under the Texas Tort Claims Act, State Bar of Texas, Advanced Personal Injury Course, September 2011 Fair Labor Standards Act (FLSA): The Rediscovery of Workers' Wage Laws by Plaintiff's Class-Action Lawyers, BMB Seminar, 2010

Introduction to the Americans with Disabilities Amendments Act, HR Houston, 2010

Subrogation: Maximizing Recovery of Claims, Texas Council Risk Management Fund, 2009