

## J. Michael Rose

Partner

Houston

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## OVERVIEW

Board Certified in Labor and Employment Law, Mike defends employers in litigation involving the Fair Labor Standards Act, including single plaintiff cases and collective/class actions; Title VII/ADEA/ADA/OSHA and Section 1981 wrongful termination, retaliation, and harassment lawsuits; and OSHA retaliation matters. He also represents employers in front of various federal, state, and local employment-related agencies. Mike regularly represents employers in the litigation of noncompete, restrictive covenant, and trade secret matters.

Mike's representative experience includes all aspects of labor and employment-related litigation, including representing clients in court hearings, trials, and arbitrations, taking and defending depositions, drafting and arguing dispositive motions, and resolving cases through negotiation and mediation.

## REPRESENTATIVE MATTERS

### Employment Class and Collective Actions

- Defend Fair Labor Standards Act collective and class action lawsuits in multiple jurisdictions, typically involving hundreds of employees, particularly in the energy, manufacturing, and oilfield services industries.
- Obtained multiple summary judgment orders on threshold matters related to liability and measure of damages in FLSA and state law wage and hour collective actions and single plaintiff lawsuits.
- Defended a national oilfield services client in multiple collective and class action lawsuits brought by current and former cementing and pressure pumping employees.
- Defended a national oilfield services client in multiple collective action lawsuits brought by current and former mud engineers.
- Defended a national manufacturer in a WARN Act class action lawsuit.
- Defended a Gulf Coast-based steel fabricator in an FLSA independent contractor misclassification collective action and WARN Act class action.
- Defended a national oilfield services client in multiple collective and class action lawsuits brought by current and former wireline and torque and test operators.
- Defended a national oilfield services client in multiple collective action lawsuits brought by current and former coil tubing, cementing, flowback, wireline, and pressure pumping operators and supervisors.

- Defended a national oilfield services client in multiple collective and class action lawsuits brought by current and former directional drillers, MWD hands, wireline, and survey employees.
- Defended a national oilfield services client in multiple collective and class action lawsuits brought by current and former coil tubing and fracking operators and supervisors.
- Defended a Houston-based construction contractor in multiple independent contractor misclassification collective actions.

### **Restrictive Covenant/Noncompete**

- Regularly represents plaintiffs and defendants in restrictive covenant/noncompete matters in Texas, Louisiana, Arkansas, Oklahoma, California, Colorado, Pennsylvania, and Massachusetts, and has extensive courtroom experience litigating these matters.
- Represent plaintiffs and defendants in state and federal court litigation, including trials and injunctive relief hearings related to covenants not-to-compete (tortious interference, breach of contract, breach of fiduciary duty, misappropriation, and unfair competition).

### **National Labor Relations Board**

- Participated in an employer-initiated decertification election on behalf of a prominent Houston grocery chain, which resulted in the dissolution of a long-standing collective bargaining unit.
- Participate in labor arbitrations involving collective bargaining agreements/unfair labor charges.

### **Employment Advice and Counsel**

- Regularly provide advice and counsel to employers on hiring and firing decisions, wage and hour issues, Family and Medical Leave Act issues, collective bargaining issues, employment policies and handbooks, OSHA, and noncompete agreements/restrictive covenants. Mike represents employers and executives in drafting and analyzing employment and executive compensation agreements and works with corporate clients and attorneys in reviewing and drafting employment-related documents in mergers and acquisitions.

### **AWARDS**

- *Best Lawyers in America*®: "Lawyer of the Year" Houston, Employment Law – Management (2026)
- *Best Lawyers in America*®: Litigation – Labor & Employment (2022-2026), Employment Law – Management (2024-2026)
- *Chambers USA*, Labor & Employment, Texas (2021-2025)

### **TOP AREAS OF FOCUS**

- Employment Counseling
- Labor + Employment
- Traditional Labor

### **ALL AREAS OF FOCUS**

- Corporate Espionage Response Team
- Employment Counseling
- Environmental, Social + Governance (ESG)

- Independent Contractor Misclassification + Compliance
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Noncompete + Trade Secrets
- OSHA + Workplace Safety
- Traditional Labor
- Wage + Hour Matters

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Past chair and long-term council member, Houston Bar Association Labor and Employment Section
- Two-time co-chair, Houston Bar Association Golf Committee
- Secretary and board member, Nora's House Foundation
- Founding member, Young Leaders for Methodist Hospital
- Member, Houston Livestock Show and Rodeo Devil's River Mountain Men Championship Barbecue Team

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Northwestern University Pritzker School of Law, J.D., 2003
- Texas A&M University, B.B.A., 1999, *finance*

### BAR ADMISSIONS

- Texas

### COURT ADMISSIONS

- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas

## SPEAKING ENGAGEMENTS

- Speaker, "Legal Issues Employers Face in 2024: What You Need to Know," *Locke Lord*, February 21, 2024.
- Speaker, "The Top Ten List: Common Employer Missteps and How to Avoid Them," *Locke Lord*, February 28, 2019.

## PUBLICATIONS

- Author, "Pay Bump: The Department of Labor Releases Final Rule Increasing Minimum Salary Threshold for White Collar Exemptions," *Locke Lord*, June 2024.
- Author, "You May Have Missed It...the Department of Labor Releases Final Rule on Increase in Salary Threshold for White Collar Exemptions," *Locke Lord QuickStudy*, May 8, 2024.

- Author, "Biden Administration Proposes Significant Increase to Minimum Salary Threshold for White-Collar Exemptions," *Locke Lord*, October 2023.
- Author, "Don't Drop the Ball in the New Year: Wage and Hour Issues Employers Should Watch Out for in 2023," *Locke Lord*, February 2023.
- Author, "Key Questions for Employers Facing COVID-19 (FAQ)," *Locke Lord QuickStudy*, July 20, 2020.