



BASSFORD REMELE

**Danielle W.
Fitzsimmons**
SHAREHOLDER



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PRACTICE GROUPS

Commercial Litigation
Employment Litigation/Advice

INDUSTRY GROUPS

Construction
Energy and Utilities
Financial Services
Food and Beverage
Franchise and Distribution
Health Care and Life Sciences
Higher Education
Industrial Manufacturing
Insurance
Non-Profit and Tax-Exempt
Organizations
Real Estate
Technology
Telecommunications
Transportation

OVERVIEW

Ms. Fitzsimmons serves as Co-Chair of Bassford Remele's Employment Law Practice Group. She focuses her practice on employment litigation and counseling, representing employers in managing risk, creating and implementing employment policies and agreements, and defending claims arising out of employment relationships.

Employment Litigation

Ms. Fitzsimmons works with employers on a wide variety of employment disputes and litigation. She represents clients in state and federal courts, as well as before state, federal and local agencies, such as the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, and various city human rights commissions. Ms. Fitzsimmons defends employers facing allegations of violations of employment statutes, including Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Fair Labor Standards Act, and the Minnesota Human Rights Act. She also represents employers seeking to enforce employment contracts, including non-compete agreements, and defends employees against restrictive covenant claims.

Employment Counseling

Ms. Fitzsimmons counsels clients on day-to-day employment matters, including hiring, promoting, disciplining, terminating, implementing workforce reductions, determining reasonable accommodations, and ensuring compliance with state and federal wage, hour, and leave requirements. Ms. Fitzsimmons also represents clients in drafting, negotiating and enforcing all types of employment agreements, including executive, inducement, severance, separation and change in control agreements.

Workplace Investigations

Ms. Fitzsimmons assists employers in conducting and managing all phases of the internal investigation process, including witness interviews, data and document collection, engagement of independent investigators, preparation of oral and written findings, and formulation of employment recommendations and action items.

Restrictive Covenants

Ms. Fitzsimmons works with employers to draft, implement and enforce all types of restrictive covenants, including confidentiality, trade secret, non-solicitation and non-competition provisions.

Ms. Fitzsimmons also prosecutes claims for breach of restrictive covenants, misappropriation of trade secrets and tortious interference, and defends against the same.

Commercial Litigation

Ms. Fitzsimmons represents businesses in all phases of general commercial litigation, involving claims for breach of contract, tortious interference, fraud, negligence, defamation, deceptive trade practices, unfair competition, aiding and abetting, false advertising, product disparagement, promissory estoppel, good faith and fair dealing, and unjust enrichment.

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EDUCATION & ADMISSIONS

Education

William Mitchell College of Law, J.D., 2010

- *Journal of the National Security Forum*, Executive Editor

- *William Mitchell Law Review*, Assistant Editor

Miami University of Ohio, B.A., 2007

Bar Admissions

- U.S. District Court, District of Minnesota
- Minnesota

Judicial Clerkships

- U.S. District Court, District of Minnesota, The Honorable John R. Tunheim, Externship, 2009
- United States Attorney's Office, Externship, 2010

EXPERIENCE

Representative Cases

Trials and Arbitrations

- Successfully obtained judgment as a matter of law for manufacturing client on competitor's 11-count complaint and where plaintiff sought over \$65 million in damages. (Commercial Litigation)
- Successful arbitration: arbitrator found that broadcasting company did not breach its employment agreement with morning talk-show host when broadcasting company terminated host for cause and refused to pay severance. (Employment)
- Successful jury trial: initially obtained injunction, enforcing insurance company's non-competition agreement. At trial, jury found former sales employee breached his employment contract and was not entitled to deferred compensation. Court ordered former employee to pay \$189,000 in attorneys' fees to employer and ordered former employee to return all company documents in his possession. (Employment)
- Successfully obtained judgment as a matter of law for manufacturing client after week-long trial on claims for breach of non-compete agreement and tortious interference brought against terminated employee and his new employer. (Employment)
- Successful jury trial: obtained complete defense verdict for international food company, as well as a \$90,000 judgment against plaintiff in employment discrimination lawsuit. (Employment)
- Successful jury trial: obtained total defense verdict on local artist's claims of fraud and unjust enrichment brought against advertising firm. (Commercial Litigation)
- Successful arbitration: arbitrator found brewery liable for breach of contract after client's beverages spoiled. (Commercial Litigation)

Summary Judgment and Similar Successes

- Successfully represented eCommerce software developer in securing the dismissal of numerous tort claims and breach of contract claim, and secured affirmance of the same in the Eighth Circuit Court of Appeals. (Commercial Litigation)
- Successfully obtained summary judgment and full dismissal of plaintiff's whistleblower claim, obtained judgment against plaintiff for violation of his employment agreement, and secured affirmance of same in the Eighth Circuit Court of Appeals. (Employment)

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- Successfully obtained summary judgment and full dismissal with prejudice of plaintiff's age discrimination claim on behalf of professional sports team, and secured affirmance of the same in the Minnesota Court of Appeals. (Employment)
- Obtained summary judgment for travel company on plaintiff's claims for disability discrimination, sexual harassment, reprisal and marital status discrimination in violation of the Minnesota Human Rights Act. (Employment)
- Obtained summary judgment for residential management company on plaintiff's claims for sexual harassment and negligence. (Employment)
- Obtained temporary restraining order for transportation client against accounting manager who sought to work for a competitor in violation of her non-compete agreement. (Employment)
- Defended national bank by obtaining Rule 12(b)(6) dismissals on homeowners' claims that bank violated several statutory and common laws by not giving homeowners loan modifications. (Commercial Litigation)
- Defended insurance company by obtaining Rule 12(b)(6) dismissal on former employee's claims for tortious interference and defamation. (Employment)

Other Representative Matters

- Defended temporary staffing company against claims of religious discrimination and failure to accommodate religious beliefs regarding prayer breaks. (Employment)
- Defended dental supply company against claims of age and sex discrimination, reprisal, and violation of the Equal Pay Act. (Employment)
- Counseled and defended numerous clients regarding claims that company's websites, mobile applications and store fronts did not comply with the Americans with Disabilities Act. (ADA Public Accommodations)
- Defended numerous entities against negligence claims arising out of alleged sexual abuse. (Organizational Liability for Sexual Misconduct/Abuse.)
- Defended international food company against claims for sex-plus discrimination, reprisal and marital status discrimination. (Employment)
- Defended employer and its owner against claims of disability discrimination, reprisal, aiding and abetting discrimination, violation of Minnesota's whistleblower statute, negligence and intentional interference with economic advantage. (Employment)
- Defended philanthropic organization against former employee's allegations that he was wrongfully discharged in violation of the parties' lifetime employment agreement. (Employment)
- Defended cable and wire manufacturer against claims of personal injury and wrongful death for alleged exposure to asbestos-containing products. (Products Liability)
- Defended hydraulic fracking company in breach of contract dispute. (Commercial Litigation)
- Defended surgeon in hospital's internal investigation related to claims for sexual harassment. (Employment)
- Defended real estate company and its employees against claims by competitor for breach of confidentiality and breach of the duty of loyalty. (Employment)

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- Defended broadcasting company against current employee's claims for sex discrimination and violation of the Equal Pay Act. (Employment)
- Represented numerous school administrators in employment contract negotiations, school board investigations and various workplace issues. (Employment and Education)
- Defended hospice care provider against claims for breach of non-competition agreement and misappropriation. (Employment)
- Defended biotech company against former employees' claims for age discrimination, breach of contract, promissory estoppel, fraud, civil conspiracy, and tortious interference. (Employment)
- Represented publicly held company in investigating sexual harassment allegations against C-suite employee and defended client against claims for sexual harassment and sex discrimination. (Employment)
- Prosecuted breach of contract claims on behalf of airline against ground handling company. (Commercial Litigation)

Publications

- *Mental Health Conditions and Chemical Dependency*, co-author, The ADA Handbook, revised 2nd Ed. 2020, Minnesota State Bar Association CLE
- *Mental Health Conditions and Chemical Dependency*, co-author, The ADA Handbook, 1st Ed. 2013, Minnesota State Bar Association CLE

The Work Week with Bassford Remele

- *2024 Minnesota Legislative Update on Employment Laws*, co-author, March 4, 2024
- *The New Regulations for Cannabis in the Workplace*, co-author, August 7, 2023

Seminars

- *Employment Issues in an Economic Downturn*, co-presenter with J. Klobucar, Association of Corporate Counsel, June 20, 2024
- *FMLA Essentials – Understanding Eligibility, Covered Conditions and Compliance Requirements*, co-presenter, Minnesota Continuing Legal Education 2024 Upper Midwest Employment Law Institute, May 20, 2024
- *Advanced Leave Topics: Requirements for 2 Special Situations*, co-presenter, Minnesota Continuing Legal Education How to Manage Leave Requests in Minnesota Seminar, January 31, 2024

PROFESSIONAL & CIVIC

Bar Associations

- Minnesota State Bar Association
 - Labor and Employment Law Section
- Hennepin County Bar Association

Professional Associations

- Minnesota Women Lawyers

ACCOLADES

Honors & Awards

- *The Best Lawyers in America*, Employment Law – Management; Labor and Employment Litigation, 2023-present