



## Michael B. Mattingly

Partner

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Having served two overseas combat tours as an officer in the 101st Airborne Division, Mike's unique skill set enables him to analyze complex legal problems and act decisively on his clients' behalf. He uses the leadership and management skills he learned as a platoon leader in Iraq and company commander in Afghanistan to efficiently work through disputes and identify outcomes that appreciate and balance his clients' legal and practical needs.

Serving in combat situations, Mike learned to communicate effectively and build strong relationships within his sphere of influence – skills he effectively implements in his practice and applies to his relationships with colleagues, clients and adversaries. His clients especially appreciate his insight, ability to see the bigger picture and offer practical solutions.

A significant portion of his legal experience includes litigating collective and class action litigation at both the state and nationwide level. Recently, he has represented several national employers in nation-wide Fair Credit Reporting Act (FCRA) class actions in jurisdictions across the United States. Mike has established himself as a go-to in the emerging field of FCRA litigation. He also spends significant time representing clients in matters arising under Title VII, the Americans with Disabilities Act and the Fair Labor Standards Act.

Mike's background also enables him to provide a unique perspective on employment issues, specifically those related to the Uniformed Services Employment and Reemployment Rights Act. He understands the practical realities and challenges of military men and women reentering the workforce from the viewpoint of both the employee and employer.

Prior to joining Dinsmore, Mike worked in the Hamilton County Prosecutor's office.

### Services

- Employment
- Labor

- Class Action

## **Education**

- University of Notre Dame Law School (J.D., 2012)
- St. Louis University (B.S., *magna cum laude*, 2004)
  - Business Administration

## **Bar Admissions**

- Ohio
- Georgia
- Kentucky

## **Court Admissions**

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the District of Colorado
- U.S. District Court for the Western District of Tennessee
- U.S. District Court for the Western District of Michigan

## **Affiliations/Memberships**

- Ohio State Bar Association
- Over-the-Rhine Kitchen, former president of the board
- Joseph House, Inc., former interim of the board
- Mt. Saint Joseph University, trustee, Governance Committee chair
- Dan Beard Council, Boy Scouts of America, Board of Directors (2014)
- United Way Board Orientation and Leadership Development (BOLD) alumni
- American Sign Museum, trustee
- Notre Dame Law Association, Region 9 representative

## **Distinctions**

- Ohio *Rising Stars*®
  - For Employment Litigation: Defense (2021)
- Forty Under 40 Class of 2019, *Cincinnati Business Courier*

## Experience

### **Counseled Equity Firm through its First Acquisition**

Dinsmore represented Prather Capital Partners, a newly established private equity firm, through its first acquisition. Our counsel included deal structure assistance, preparation and negotiation of the asset purchase agreement and ancillary documents, as well as the preparation and negotiation of the equity capital raise and senior debt financing documents. The transaction will enable Prather Capital Partners to lay the groundwork for their bio-medical manufacturing platform which will meet the needs of a fast paced industry.

### **Successful Defense of Client in Age Discrimination Suit and Appeal**

We represented AMPAC Plastics Inc., a plastics manufacturer, in the United States Court of Appeals for the 6th Circuit in a case regarding an age discrimination filing. The plaintiff filed an age discrimination suit after he was terminated for performance issues. The plaintiff, who was consistently top salesman at the company, failed to generate new business as opposed to fostering the growth of old business. He and a younger salesman were put on the same performance improvement plans, whereby they were both required to generate two new clients of a defined value each month.

While neither salesman technically generated two new clients a month, the younger salesman generated an extremely substantial client in one month. The plaintiff was terminated for non-performance while the younger employee was retained. As a result of his termination, the plaintiff filed an age discrimination suit.

After taking the plaintiff's deposition and defending four witness depositions, we filed a Motion for Summary Judgment providing a multi-faceted argument. Our client was granted Summary Judgment on the plaintiff's discrimination claims with the court agreeing with all facets of our defense.

After the plaintiff appealed the district court's decision, the 6th Circuit affirmed the Southern District of Ohio's decision to grant summary judgment in favor of our client on the plaintiff's claims for age discrimination.

## Publications

May 23, 2023

**Sixth Circuit Rejects Two-Step Collective Certification Process in FLSA Suits**

January 11, 2021

**Top Wage and Hour Updates From 2020**

December 28, 2020

**New DOL Rule Allows Additional Workers to Participate In Tip Pooling and Eliminates 80/20 Rule**

May 20, 2020

**Employers May Be Able To Take Advantage Of New Department of Labor Rule To Qualify for OT Exemption**

May 6, 2020

**Dinsmore Earns Temporary Case Closure for Client Facing COVID-19 Financial Burden**

October 5, 2018

**Employers Should be Aware of New Forms for Background Check Compliance**