



Robert C. Rives, IV

Partner
robert.rives@dinsmore.com

Louisville, KY
Tel: (502) 540-2329

Bobby's litigation experience in varied practice areas and for all types of clients demonstrates a history of excellent results for his clients, strategically resolving disputes in the most efficient and effective manner, whether that means early dismissal, compromise or a jury verdict.

He regularly assists clients in all aspects of civil litigation, with a special focus on employment and tort matters. Bobby's trial experience includes defense against claims of employment discrimination, harassment, hostile work environment, whistleblower retaliation, wrongful termination, commercial motor vehicle cases, personal injury, wrongful death, premises liability, product liability and all forms of negligence claims.

Bobby has secured defense verdicts in both jury and bench trials in Kentucky and Indiana. He has appeared before numerous state and federal trial and appellate courts. He represents a wide range of clients, including retail and restaurant businesses, healthcare providers, waste management providers, manufacturers, individuals, medical and legal professionals, insurance companies and their insureds.

He also advises and counsels employers in all aspects of employment law, including training, policies & procedures, investigations, human resource actions, defense against administrative charges and appeals before the Equal Employment Opportunity Commission and the Kentucky Commission on Human Rights, and litigation matters in state and federal courts throughout Kentucky.

Prior to joining Dinsmore, Bobby practiced with a mid-sized Kentucky-based litigation firm for several years in various civil litigation practice areas.

He has served on the Firm's Recruiting, Professional Development & Library committees.

Services

- Employment
- Labor
- Audits, Counseling & Training
- Employment Discrimination Litigation

- Wage/Hour Law
- Wrongful Discharge
- Tort
- Product Liability

Education

- University of Kentucky College of Law (J.D., 2004)
- University of Kentucky (B.B.A., *summa cum laude*, 2001)
 - Business Management & Marketing

Bar Admissions

- Kentucky

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Southern District of Indiana

Affiliations/Memberships

- Kentucky Bar Association
- Louisville Bar Association
- American Bar Association
- Association of Trial Lawyers of America
- National Retail & Restaurant Defense Association
- Leadership Louisville Center Ignite
- Friends of Frazier Rehabilitation Hospital Board

Distinctions

- Kentucky *Rising Star*®

Experience

Allegations of Age Discrimination and Hostile Work Environment

We defended a convenience store chain against allegations of age discrimination, hostile work environment and discriminatory discharge from a former employee. The plaintiff, an 11-year employee who was 57 years old, was terminated after a third violation of store policy prohibiting employees from purchasing lottery tickets while on the

clock. The plaintiff claimed that the tickets were purchased for her sister, a customer who was undergoing chemotherapy and was unable to visit the store. The plaintiff also asserted that she and other employees had been subjected to age-hostile comments from management-level officials and, upon termination, filed suit alleging that her former employer had violated the Kentucky Civil Rights Act, KRS Ch. 344, by subjecting her to an age-hostile work environment and to an age-discriminatory discharge. She also asserted claims for failure to pay accrued vacation under Kentucky law, KRS Ch. 337, intentional infliction of emotional distress and public policy wrongful discharge. Ultimately the plaintiff's wage and hour, emotional distress and public policy wrongful discharge claims were dismissed, and the case went to trial on the plaintiff's civil rights claims.

Prior to trial, we utilized targeted discovery and motions *in limine* to limit the plaintiff's damages, including a motion to exclude evidence of the plaintiff's lost wages and a motion to strike her claim for back pay. The plaintiff admitted that she had only applied for one job in the three years since her termination, and that she had stopped looking for work after applying for Social Security disability benefits. The Court ruled that the plaintiff had not used reasonable efforts to find alternate employment to limit her damages, and that the receipt of Social Security benefits barred her claim for lost wages.

During a four-day jury trial in Jefferson Circuit Court, we discredited a former manager who testified to having also been subject to age discrimination. We also discredited the plaintiff's story of purchasing the lottery ticket for her sister, after the sister testified that she was not undergoing chemotherapy treatments at the time the ticket was purchased, and that she had, in fact, stopped playing the lottery. The 12-member jury found in favor of the defendant of the plaintiff's claims of an age-hostile work environment and an age-discriminatory discharge. The plaintiff's deadline to appeal passed, and the defense verdict became final.