



Charles M. Roesch

Of Counsel
chuck.roesch@dinsmore.com

Cincinnati, OH
Tel: (513) 977-8178

Chuck's practice includes the defense of private and public employers on a wide array of traditional labor, employment and benefits issues, including matters relating to the ADA, ADEA, Title VII, FMLA, Section 1981, NLRA, Wage/Hour, ERISA, employment contracts and employment at-will. His practice encompasses both national and regional representation of clients in state and federal court and he has handled labor and employment matters in 37 states and the District of Columbia. He is national outside labor & employment counsel for Golden Living (fka Beverly Enterprises, Inc.), Valvoline Inc., and Ashland Inc. He was designated by General Electric Company as national class action labor and employment counsel and a preferred provider for labor and employment matters.

He was named "Lawyer of the Year" in Cincinnati for Labor Law-Management by *Best Lawyers*® in 2012.

Chuck is the past chair of the Labor and Employment department and a former member of the firm's Board of Directors. He sits on the firm's Finance Committee.

Services

- Employment
- Labor
- Class Action
- Employment Discrimination Litigation
- Affirmative Action Plans/OFCCP Compliance
- Wage/Hour Law
- Wrongful Discharge
- ERISA Litigation & Administrative Proceedings
- Labor Arbitrations
- Collective Bargaining Negotiations

- NLRB Issues
- Strike Preparation/Litigation
- Audits, Counseling & Training

Education

- University of Cincinnati College of Law (J.D., 1984)
- University of Notre Dame (B.B.A., 1981)

Bar Admissions

- Ohio
- Kentucky

Court Admissions

- U.S. Supreme Court
- Supreme Court of Ohio
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Northern District of Ohio
- 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
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Eastern District of Arkansas
- U.S. District Court for the Western District of Arkansas
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the District of Nebraska
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Eastern District of Wisconsin

Affiliations/Memberships

- Strathmore's Who's Who, lifetime member
- The National Registry of Who's Who, lifetime member
- Cincinnati Bar Association, Labor & Employment Law Committee
- Ohio State Bar Association, Labor Law Section
- Ohio Management Lawyers Association
- Leadership Cincinnati, Class of XXVI
- Kentucky Bar Association
- Butler County Society for Human Resource Management, past board member
- Fairfield Chamber of Commerce
 - Past president
 - Past member
 - Board of Trustees
- Hamilton-Fairfield Arts Council, Board of Governors (1995 - 1997)
- Shared Harvest Foodbank, Board of Directors, past chair
- Mercy Health Partners, Human Resource Committee (1996 - 2000)
- Economic Development Association of Butler County, past board member
- Butler County Republican Party, past Executive Committee (2001 - 2003)

Distinctions

- *Best Lawyers®*
 - "Lawyer of the Year" in Cincinnati for Labor Law-Management (2012)
 - Employment Law - Management, Litigation - Labor and Employment, Labor Law - Management (2021-2024)
- Peer Review Rated AV in *Martindale-Hubbell*
- *Chambers USA®: America's Leading Lawyers for Business*, Labor & Employment
- *Corporate Counsel Annual Guide to Labor & Employment Law Top Lawyers*
- America's Most Honored Professionals (American Registry)
- Ohio *Super Lawyers®*
 - Top 50 lawyer in Cincinnati
- *Cincy Magazine*
 - Cincy Leading Lawyer
 - Leading Lawyers Power 100 (2021)

Experience

Proved Allegations That A Construction Manager Created False Invoices

We represented a national assisted living company that suspected a construction manager of creating false invoices for work that was never completed throughout the south and Midwest. We conducted a six month investigation that included witness interviews and analysis of bank deposits, invoices and other documents to prove that the construction manager, who was ultimately prosecuted, had created the false invoices.

Successful Defense of Assisted Living Provider in Joint Employer Matter

We represented a national assisted living company in a discrimination matter based upon a theory of joint employer liability. Before even filing an answer, we determined the plaintiff had failed to properly exhaust her administrative remedies regarding the allegations pending against the purported joint employer, and filed a motion to dismiss. The motion was granted in short order before having to expend time and resources to defend against plaintiff's substantive allegations.

Stuntz v. Ashland Elastomers, LLC (E.D. Tx.)

Representing Ashland in a FLSA and Rule 23 state claim 200 person class action relating to donning and doffing issues, working off the clock and state contract and tort claims. Obtained summary judgment on all state claims based on §301 and FLSA preemption.

Morris v. Ashland Inc. (N.D. Ill.)

We represented a large chemical company in a dispute involving a former truck driver who alleged he was terminated in violation of the Illinois Whistleblower Act and in retaliation for filing a workers' compensation claim. Following plaintiff's refusal to haul a load in excess of legal weight limits, plaintiff became involved in an argument with his supervisor, and plaintiff claimed his supervisor assaulted him during this meeting. Plaintiff subsequently filed a workers' compensation claim for the injuries allegedly sustained during the meeting. While investigating plaintiff's assault allegations, the company discovered evidence establishing that plaintiff was not assaulted as he claimed, and he had in fact falsified evidence in support of this false report. Plaintiff was subsequently terminated for filing a false report. The court granted summary judgment for our client, finding that our client showed it terminated the employee's employment based on its honest belief he falsified information related to his alleged assault.

Williams v. General Electric Company (S.D. Ohio)

We represented the General Electric Company in a lawsuit seeking \$10M for age and disability discrimination. We prevailed prior to trial on the disability claim and prevailed at the jury trial on the age discrimination claim. The verdict was upheld by the Sixth Circuit Court of Appeals.

Jarrett v. Golden Living (W.D. Mo.)

Represented Golden Living in 10,000 person national class action relating to claim for FLSA violations. Case was favorably resolved for client, with the client obtaining a substantial reversion of the settlement proceeds.

Veurink v. Golden Living (Cal.)

Represented Golden Living and its subsidiaries in a combination of three class actions for alleged meal break and overtime violations in state court in California. Negotiated combined resolution of the three class actions on terms very favorable to our client with class members receiving on average less than \$10.

Rose v. Beverly Health & Rehab. Services (C.D. Calif.)

Plaintiff alleged a disability discrimination claim. The case was removed based on the collective bargaining agreement and then summary judgment was granted based on judicial estoppel for failure of Plaintiff to disclose the claim as an asset in bankruptcy. Currently pending in the Ninth Circuit Court of Appeals.

Lewis v. Ashland Inc. (D. Minn.)

Represented Valvoline in a lawsuit filed by a former employee alleging claims of violation of Minnesota's statute regulating drug and alcohol testing by an employer (*Lewis v. Ashland Inc. d/b/a Valvoline Instant Oil Change*, D. Minn., No. 09-3515, 8/9/11). Summary Judgment was granted to Valvoline, as the Court stated that the plaintiff could not show that Valvoline lacked a "reasonable suspicion" to require him to undergo a drug test or that the company lacked a "rational basis" to discontinue the test based on his conduct at the testing center. In granting the Motion, the Minnesota Court found that Valvoline's actions in terminating the former employee did not violate Minnesota's statutes or common law exceptions to the employee at-will doctrine. Of note, in arriving at its decision, the Court highlighted the importance of the Valvoline's internal human resources structure and management's use of those channels in its decision to terminate.

Ponder v. AT&T Corporation and Lucent Technologies Inc.

Plaintiffs brought a putative national class action claim involving over 50,000 retirees seeking reinstatement of retirement benefits provided for under CBA's. Class certification denied and favorable resolution reached.

Rashawn Manigan v. Southwest Ohio Regional Transit Authority

Plaintiff asserted claims of disability discrimination under federal and state law, claiming that his employer failed to accommodate his alleged disability. We moved for summary judgment, arguing that our client had reasonably accommodated the plaintiff and that it was not obligated to provide the specific accommodation sought by the plaintiff because this would require our client to violate its collective bargaining agreement with the union representing its employees. The court granted summary judgment for our client. The Sixth Circuit Court of Appeals affirmed.