

Timm Schowalter is a Partner/Shareholder and member of the firm's Labor and Employment, Class Action, Construction and Health Care Services teams

Timm has over 20 years of experience in successfully defending businesses and insurers in state and federal courts and administrative agencies throughout the United States. He vigorously defends his clients in all facets of employment litigation, including employment discrimination claims arising under Missouri and Illinois Human Rights Acts, Title VII, the Civil Rights Act of 1991, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act, Executive Order 11246, the Family and Medical Leave Act and the Occupational Safety and Health Act. Timm also has a wealth of experienced in complex business litigation matters, including non-competition, trade secrets, confidentiality, copyright and trademark infringement cases, sales commission disputes, minority shareholder/member disputes and breach of employment contract actions. In all litigation matters, Timm maximizes the firm's practice management efficiencies to provide a strong yet cost-effective defense.



Timm's expertise also includes representing employers with their traditional labor/union matters including designing and implementing effective union avoidance and organizing campaigns, negotiating collective bargaining agreements, strike preparation assistance and defeating secondary boycotts. He also has a broad range of experience in proceedings before the National Labor Relations Board, union arbitrations, obtaining state and federal court injunctions and defending ERISA pension claims and audits.

Timm's primary goal, however, is litigation and conflict avoidance and to that end he consults in developing and implementing cost-effective employment and labor compliance systems to ensure compliance with federal and state employment laws. "I see myself as my client's true business partner and enjoy creating strong personal and business relationships while providing pragmatic solutions to my client's legal need," Timm says. Timm routinely provides day-to-day counseling on a variety of employment and labor issues including employee leave of absences, wage and hour issues, union matters and compliance with ADA, FMLA, WARN, ERISA, OSHA and federal and state employment discrimination laws. Also, Timm handles clients' day-to-day legal needs including drafting personnel policies, employee handbooks, employment contracts, executive compensation agreements, severance agreements, safety manuals, non-competition and confidentiality agreements.

Timm regularly conducts in-house training programs on an individualized basis for clients to ensure compliance with federal and state employment laws. Timm also conducts objective and comprehensive workplace investigations into allegations of employee misconduct; and performs human resource compliance audits.

Background

Timm studied Philosophy, earning a bachelor's degree from Southeast State University before earning his Juris Doctor from the University of Missouri – Columbia School of Law. He went on to work for more than 15 years at major firms in the St. Louis area where he served in prominent leadership roles.

Timm is a member of the Missouri Bar Association and serves on the Labor and Employment Committee. He is also a member of the Bar Association of Metropolitan St. Louis, where he served on the Board of Governors and is a former Chairman of the Labor and Employment Law Section. Timm is also active with the Missouri Organization of Defense Lawyers, DRI's Labor and Employment Practice Group and Mackrell International. Timm previously served as the Chairperson for the USLAW Network's Labor and Employment Leadership Committee.

Timm is admitted to practice law in Missouri and Illinois and before the United States Court of Appeals, Eighth Circuit, the United States District Court, the Eastern District of Missouri, the United States District Court, the Southern District of Illinois, the United States District Court, the Central District of Illinois, the United States District Court, Eastern District of Arkansas and the United States District Court, Western District of Arkansas.

An active community member, Timm has served on the Human Resources Committee of Lutheran Family and Children Services of Greater St. Louis and Human Resources Board for St. John Lutheran Church in Ellisville, Missouri.

Successes

- *Gierer v. Rehab Medical, Inc.*, 2017 WL 976931, (U.S. E.D. Mo. 2017)-summary judgment granted in False Claim Act Retaliation claim.
- *SSM Health v. David Peter, M.D.*, (Mo. St. Charles County, 2016)- successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of TRO and Consent Judgment
- *Megl v. SHC Services* (U.S. E.D. Mo. 2016)- successful defense of wrongful discharge claim
- *Shamrock Promotions v. Kurtz*, (Mo. St. Charles County, 2016)- successful prosecution of breach of promotion agreement and entry of TRO to terminate MMA fight
- *Callaway v. AZZ, Inc.* (Mo. Jackson County, 2016)- successful defense of wrongful discharge/whistleblower claim
- *Gonzales v. Home Nursery Inc.*, (U.S. S.D. Ill 2016)- successful defense of class action FLSA claim
- *F&B Financial v. Wilson*, (St. Louis County, 2014)- successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of TRO
- *Numotion v. Kruse* (U.S. Dist. Oregon, 2014) – successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of Consent Injunction
- *Timmerman Group v. Fall* (Mo. St. Louis county, 2014)- successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of Consent Injunction

- *Johnson v. Moran Foods d/b/a Save-A-Lot* (Mo. St. Louis County, 2014)- successful defense of race discrimination claim
- *Custom Hardware Engineering & Consulting, Inc. v. Dowell*, 919 F.Supp.2d 1018 (U.S. E.D. Mo. 2013)- summary judgment granted in wrongful discharge claim
- *Battery Handling Systems v. Hensel* (U.S. E.D. Mo. 2011)- successful defense of breach of contract/noncompetition and tortious interference claims by denial of TRO
- *D.C., Inc., d/b/a Dirt Cheap Cigarettes and Beer v. DRP, Inc.*, (U.S. E.D. Mo. 2010)- successful prosecution of copyright infringement claim by entry of Consent Judgment
- *D.C., Inc., d/b/a Dirt Cheap Cigarettes and Beer, v. SUJVL, Inc.*, (U.S. E.D. Mo. 2010)- successful prosecution of copyright infringement claim by entry of Consent Judgment
- *EBI Holdings, Inc. v. Butler*, (U.S. C.D. Il. 2009)- successful defense of tortious interference claims
- *Wilson Mfg. v. Fusco*, 258 S.W.3d 841, (Mo. App. 2008)- successful appeal in non-compete litigation matter by entry of Permeant Injunction
- *Duke Mfg. Co. v. Erber*, (E.D. Mo. 2008)- successful defense of breach of contract/noncompetition and tortious interference claims
- *Allshouse v. JBL LTD d/b/a Hit-N-Run Food Stores* (S.D. Il. 2006)- successful defense of same sex harassment and religious discrimination claims
- *Munns v. Moran Foods d/b/a Save-A-Lot*, (E.D. Mo. 2006)- successful defense of Title VII race discrimination claim
- *Davis v. St. Louis Public Schools*, U.S. Supreme Court, Case No. 04-743 (2004)- successful opposition to grant of certiorari
- *Horton v. American Railcar Industries, Inc.*, 214 F.Supp.2d 921 (E.D. Ark.2002)-summary judgment in Pregnancy Discrimination Act claim
- *Sacharnoski v. Capital Consolidated Inc.*, 187 F.Supp.2d 843 (W.D. Ky. 2002)-dismissal granted in intentional infliction of emotional distress claim)
- *Lovan v. American Rail Car Industries, Inc.*, 2001 WL 1873148 (E.D. Ark. 2001)- successful defense of FMLA claim
- *Blandin v. Marriott International, Inc.*, 1997 WL 581562 (E.D. Mo. 1997)- summary judgment granted in ADA claim

Press

- Quoted in “Healthcare Employers Lack Clarity on Joint Employee Issues,” *Bloomberg Law: BNA’s Health Care Daily Report*, January 23, 2018
- Quoted in “What To Do When You Suspect A Worker May Be Mentally Ill,” *Law 360*, July 17, 2017
- Quoted in “4 Things Employers Should Know About ‘Comp Time’ Bill,” *Law 360*, May 3, 2017
- Quoted in “Supreme Court Ok’s Narrow Review of EEOC Subpoena Rulings,” *Westlaw Journal*, April 11, 2017

Publications

- “Non-Compete Agreements – Are They Enforceable in This Job Market?” *St. Louis Business Journal*, February 2011

- "Staying Union Free: A Perspective of the State of the Unions and Their Calculated Resurgence in America," USLAW Employment & Labor Law Conference, Austin, TX, March 2006
- The Fair Labor Standards Act, contributing author, BNA Books, 2005-06 supplement
- Retaliation Claims Under Federal and State Law, The Missouri Bar Labor and Employment Law Symposium, October 2005
- "Supporting Our Troops: Complying with the Uniformed Service Reemployment Rights Act," Journal of the Missouri Bar, May 2005
- "Support For our Troops Requires Reemployment Rights," St. Louis Business Journal, May 6, 2005
- FMLA Update, Council on Education in Management, December 2004
- "Tag You Are It," a presentation regarding effective techniques for investigating and documenting employee complaints, Human Resource Management Association of St. Louis, May 2004
- Recent Developments Under the FMLA, Human Resource Management Association of St. Louis, October 2003
- The Bermuda Triangle - The Interplay Between the FMLA, ADA and Workers Compensation, SHERM (Northern Arkansas Chapter) Summer Conference, June 2003
- "Workplace Privacy Issues: Avoiding Liability," a comprehensive survey course regarding privacy in the workplace, ADP Seminar Series, Kansas City, Missouri, May 1999