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**Susan Ellingstad**

*Partner*

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**Practices** Employment Law Business Litigation

ERISA Practice and Procedure Health Care Law

**Education**

University of Minnesota Law School, 1993,

*cum laude*

St. Olaf College, B.A. 1989, *magna cum laude*

**Bar Admissions**

1994, Minnesota

**Court Admissions**

Minnesota

U.S. District Court, District of Minnesota

U.S. District Court, District of Colorado

U.S. District Court, Western District of Wisconsin

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Supreme Court

Susan E. Ellingstad

Susan E. Ellingstad is a partner with Lockridge Grindal Nauen P.L.L.P. and heads the firm’s employment law department. She represents large and small governmental and business clients in federal and state courts and administrative agencies in Minnesota and throughout the country. Ms. Ellingstad’s practice includes claims involving employment discrimination and harassment under Title VII, the MHRA and other federal and state employment statutes, wage and hour violations, commercial litigation, and class actions. She frequently represents clients in labor arbitrations for wrongful termination.

Ms. Ellingstad also conducts independent workplace investigations for private and public employers, typically consisting of thorough fact- gathering to enable employers to take appropriate action in response to workplace complaints. Topics of investigations range from allegations of sexual harassment, race, and other forms of discrimination, to various violations of policy including fraud, embezzlement, conflict of interest, code of conduct, civil service rules, and police procedures and conduct rules. In addition to conducting investigations, Ms. Ellingstad directs and oversees investigations conducted by external investigators on behalf of her clients.

In addition, Ms. Ellingstad frequently writes and lectures on the Fair Labor Standards Act and other employment law issues, conducts training seminars for businesses, and counsels employers in the areas of FLSA compliance, performance management and disability accommodation issues. She also mediates employment law cases.

Ms. Ellingstad has been named one of Minnesota’s “Super Lawyers” by Minnesota Law & Politics/Super Lawyers, selected for the fifth consecutive year in the Top 50 Women Lawyers category and in 2018 was recognized as one of the Top 100 Minnesota Super Lawyers. She has also been selected to *Minnesota Law & Politics’* list of the Top 40 employment litigators in Minnesota. In 2016 she was named Attorney of the Year by *Minnesota Lawyer*.

**Professional Associations**

* Hennepin County Bar Association
* Minnesota Women Lawyers
* Minnesota State Bar Association
* Federal Bar Association, Board of Directors
* SuperLawyer by Minnesota Law & Politics
* Minnesota Law & Politics Top 40 Employment Law Attorneys
* Fund for the Legal Aid Society, Board of Directors, Executive Committee
* American Bar Association, Labor and Employment and Litigation Sections, Fair Labor Standards Act Subcommittee

**Professional Recognition**

* Recognized in Best Lawyers® since 2019
* Named a Top 100 Minnesota Super Lawyer® from 2018-2021
* Named a Minnesota Super Lawyer® from 2003- 2006 and 2013-2021
* Named one of Minnesota’s Top 50 Women Super Lawyers® from 2015-2021
* Attorney of the Year by Minnesota Lawyer in 2016





# Representative Cases

* *Johnson, et al. v. Thomson Reuters,* No. 18-cv-70 PJS/HB (D. Minn.) – FLSA collective action
* *Peterson v. Metropolitan Council,* No. 0:15-cv-4041 ADM/SER (D. Minn.) – Title VII, the Rehabilitation Act of 1973, FMLA and ADA
* *Brennan v. Thomson Reuters (Legal), Inc.,* No. 0:16-cv-00361 JNE/FLN (D. Minn.) – FLSA and retaliation
* *Chatham v. Thomson Reuters,* No. 19HA-CV-15-925 (Dakota Cty. Dist. Ct.) – race discrimination and retaliation in violation of Minnesota Human Rights Act
* *Zasada v. City of Minneapolis, N*o. 0:12-cv-1716 JRT/SER (D. Minn.) – ADA
* *Frizzell-Nelson v. Metropolitan Council, Civ.* No. 0:14-cv-02953 PJS/BRT (D. Minn. 2016) – sex discrimination, race discrimination, disability discrimination, discrimination in violation of 1981 and 1983 and Title VII, violation of the Rehabilitation Act and ADA, retaliation in violation of the FMLA, ADA, and failure to accommodate
* *Peters v. Paparella Ear, Head and Neck Institute,* P.A. (Minn. 2014) – False Claims Act
* *UrbanWorks Architecture, LLC v. AHMC Asset Management, LLC,* No. 27-CV- 12-21061 (Minn. 2012) – Piercing the corporate veil, collections
* *Beck and Francis v. Integra Telecom Holdings, Inc.,* No. 12-CV-1759 (D. Colo. 2012) – Summary judgment granted in fraudulent inducement
* *Rossman v. Thomson Reuters, Inc., et al,* No. 12-CV-1356 DWF/JSM (D. Minn. 2012) – ADEA
* *Austin, et al. v. Metropolitan Council,* No. 11-CV-3621 DWF/SER (D. Minn. 2011)

– Race discrimination class action

* *Genesis Corporation d/b/a/ Genesis 10 v. Value Wise Corporation,* No. 62-CV-11- 5378 (Minn. 2011) – Noncompete litigation
* *Three Rivers Park District and Law Enforcement Labor Services Inc., St. Paul, MN,* BMS#11-PA-0536 (2011) – Favorable arbitration award in wrongful termination claim.
* *Jordan To v. U.S. Bancorp* 651 F.3d 888 (8th Cir. 2011) — summary judgment affirmed by the Eighth Circuit Court of Appeals on plaintiff’s claims under the Family and Medical Leave Act, 29 U.S.C. ßß 2601 et seq., and the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 U.S.C.ßß 4301 et seq.
* *Paul v. Metropolitan Council,* No. 10-CV-4759 JRT/FLN (D. Minn. 2010)
* *Aaron L. Sampson v. Integra Telecom Holding, Inc., et al., Case* No. 2:09-cv-120 (D. Utah 2009-10) — summary judgment affirmed by the Tenth Circuit Court of Appeals on plaintiff’s claims of racial harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964.
* *Julie Delgado-O’Neil v. City of Minneapolis,* No. 08-4924 (MJD/JJK) — summary judgment affirmed by the Eighth Circuit Court of Appeals on plaintiff’s claims of racial bias and discrimination.
* *Phillips v. Wells Fargo Bank* (D. Minn. 2009) — summary judgment obtained on plaintiff’s claims of retaliation in violation of ß 1981 and the Minnesota Human Rights Act, assault, and battery.
* *Tenth Floor L.L.C. v. Alberto Marian; NetGain Interactive, L.L.C.,* No. 06-CV- 687 (D. Minn. 2006)
* *Kashimawo-Spikes v. U.S. Bancorp* (8th Cir. 2006) — summary judgment affirmed on plaintiff’s Title VII claims.

**Publications**

* *Employers Can Avoid Problems with Unused PTO Through Employment Policies,* Twin West Chamber (November 2011)
* *Editor, BNA Fair Labor Standards Act Cumulative Supplement* (2009 – 2011)
* *Internet Privacy: Does The Use of “Cookies” Give Rise To A Private Cause Of Action For Invasion Of Privacy In Minnesota?* Wm. Mitchell L. Rev. Volume 27, Number 3 (2001)
* *Final overtime regulations. Are you in Compliance?”,* Employee Benefits Planner, Third Quarter 2004.
* *Minnesota’s New Conceal and Carry Act: What Every medical Facility Needs to Know,* Metro Doctors, July/August 2003.
* *Stock Options,* Employee Benefits Planner, Second Quarter 2000, Volume Seven, Number Three.
* *Noncompetes — Restrictive employment agreements,* Minnesota Physician, March 2000, Volume XIII, Number 12.
* *Practice Tips: The New Affirmative Defenses in Sexual Harassment Cases,* Federal Civil Litigator, February 1999.
* *Electronic Evidence: E-mail and Employment Litigation,* Employee Benefits Planner, First Quarter 1999, Volume Six, Number One.
* *The Sentencing Guidelines: Downward Departures Based on a Defendant’s Extraordinary Family Ties and Responsibilities,* Minnesota Law Review, 1992.

*McCabe v. City of Minneapolis* (D. Minn. 2005) — summary judgment granted on plaintiff’s Title VII claims.

* *Abdel v. U.S. Bank* (8th Cir. 2006) — summary judgment affirmed on plaintiff’s ERISA claims.
* *West Publishing Corp. v. Stanley* (D. Minn. 2004) — injunction granted to West Publishing in non-compete case.
* *Mercure v. West Pub. Corp.* (Minn. App. 2003) — summary judgment affirmed on plaintiff’s Title VII claims.
* *Michurski v. City of Minneapolis* (Minn. App. 2002) — summary judgment affirmed on plaintiff’s Minnesota Human Rights Act claims.
* *Williams v. Thomson Corp*. (8th Cir. 2004) — affirmed summary judgment on numerous claims.
* *Goins v. West Group* (Minn. 2001) — prevailed at Minnesota Supreme Court on sexual orientation claim under Minnesota Human Rights Act.
* *Carter v. West Pub. Co.* (11th Cir. 2000) — reversed grant of class certification and dismissed Title VII claim.
* *NAACP v. Metropolitan Council,* 144 F.3d 1168 (8th Cir. 1998), cert. denied, 119 S.Ct. 73 (1998)
* *Ben Oehrleins & Sons & Daughter v. Hennepin County,* 115 F.3d 1372 (8th Cir. 1997), cert. denied, 118 S.Ct. 629 (1997)
* *Robinson Rubber Products Co., Inc. v. Hennepin County ,* No. 4-95-220 (D. Minn.)
* *United States v. Oak Grove Sanitary Landfill Site Trust ,* No. 4-92-985 (D. Minn.)

*Robinson Rubber Products Co., Inc. v. Hennepin County*, No. 4-95-220 (D. Minn.)

* *United States v. Oak Grove Sanitary Landfill Site Trust*, No. 4-92-985 (D. Minn.)

# Presentations

*Speaker, Update on the Equal Pay Act,* ABA Federal Labor Standards Legislation Committee Midwinter Meeting (2020).

*Speaker, Anatomy of an Equal Pay Act Class and Collective Action,* ABA Federal Labor Standards Legislation Committee Midwinter Meeting (2019).

*Moderator, New Developments in Pay Equity Law*, ABA Federal Labor Standards Legislation Committee Midwinter Meeting (2018).

*Speaker, Pay Equity: Increasing Enforcement and Emerging Issues*, ABA Federal Labor Standards Legislation Committee Midwinter Meeting (2017).

Speaker, Upper Midwest Employment Law Institute (2000 – present):

* *2020 Public Sector Employment Case Update*
* *COVID-19 and Return to Work – Employer Best Practices and Proactive Measures*
* *8th Circuit and Federal District Court Update*
* *Wage and Hour Basics – Getting it Right*
* *Handling the Whistleblower Case After the New Legislation*
* *Sexual Harassment Claims, Investigations and Litigation*
* *Discovery 101: The Strategy and Practice of Information Gathering In the Employment Lawsuit*
* *Managing Intermittent Leave Requests under the ADA and FMLA*
* *The Tougher Requests for Accommodation*
* *Transgender Issues in the Workplace*
* *Off-Duty Activities: Is An Employee’s Barstool Banter the Boss’s Business?*
* *Consensual Sex in the Workplace*

Speaker, *Litigating and Defending Retaliation Claims: Overcoming the Complex Challenges of These Claims and Pitfalls to Avoid,”* 8th Annual American Conference Institute Forum on Defending and Managing Employment Discrimination Litigation (2016).

Speaker, *Highlighting Significant Equal Pay Act Cases from 2015*, ABA Federal Labor Standards Legislation Committee Midwinter Meeting (2016).

Webcast, Minnesota CLE (2009) — *Collective Action Certification Issues: Is stage one certification getting harder in Minnesota?*

Speaker, Minnesota Medical Group Management Association (2008):

* + *Shall We Dance? Negotiating the Employment Agreement from Both Perspectives*
  + *God Forbid. Tips for Managing Your Own Termination*

Speaker, Minnesota Institute of Legal Education (1997 – 2004):

* + *Elimination and Bias*
  + *The Pound of Cure: Managing Computer “Evidence”*

Speaker, Council on Education and Management (1997 – 1999):

* + *Beyond Performance Evaluations: Litigation Prevention Strategy*
  + *Hiring Without Lawsuits*
  + *Understanding the Fundamentals of Personnel Law*
  + *Walking the Workplace Privacy Tightrope: Seizing Your Rights as an Employer — Without Violating Those of Your Employees*

Judge, various oral argument and moot court competitions at the University of Minnesota Law School and William Mitchell College of Law (1993 – present).

Speaker, Minnesota CLE (1997):

* + *Hot Topics in Sexual Harassment – Jury Verdicts*
  + *How to Conduct Purposeful and Strategic Depositions*

Speaker, Minnesota State Bar Association (1997):

* + *Depositions from Hell*
  + The *Ultimate* Trial Notebook: *Jury Selection and Voir Dire*

Speaker, Minnesota Department of Human Rights, Human Rights Day Seminar

* *Preventing Your Workplace From Becoming an Electronically-Enhanced Hostile Environment* (1996).

Speaker, Minnesota State Bar Association Labor and Employment Law Institute

* *Cutting Edge ADA Issues* (1996).

